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House File 1 - Introduced

HOUSE FILE 1

BY SANDS, PAULSEN, UPMAYER,
S. OLSON, SODERBERG,
BRANDENBURG, DRAKE,
GARRETT, RAYHONS,
L. MILLER, SHEETS,
FORRISTALL, BYRNES,
HIGHFILL, HUSEMAN,
LOFGREN, ALONS, PETTENGILL,
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BACON, KOESTER, LANDON,
HESS, SCHULTZ, SHAW,
BALTIMORE, STANERSON,
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COSTELLO, ROGERS, J. SMITH,
HEARTSILL, GRASSLEY, R.
TAYLOR, GASSMAN, WORTHAN,
DEYOE, WATTS, HANUSA,
MOORE, BAUDLER, DOLECHECK,
COWNIE, MAXWELL, KLEIN,
KAUFMANN, WINDSCHITL,
JORGENSEN, and HEATON

A BILL FOR

1 An Act relating to the taxpayers trust fund by modifying the
2 transfer of moneys from the Iowa economic emergency fund
3 to the taxpayers trust fund, allowing transfers from the
4 taxpayers trust fund, creating an Iowa taxpayers trust fund
5 tax credit and fund and providing for the transfer of moneys
6 from the taxpayers trust fund for purposes of the credit,
7 and including effective date and retroactive applicability
8 provisions.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

TAXPAYERS TRUST FUND

1
2
3 Section 1. Section 8.54, subsection 5, Code 2013, is amended
4 by striking the subsection.

5 Sec. 2. Section 8.55, subsection 2, Code 2013, is amended
6 to read as follows:

7 2. The maximum balance of the fund is the amount equal to
8 two and one-half percent of the adjusted revenue estimate for
9 the fiscal year. If the amount of moneys in the Iowa economic
10 emergency fund is equal to the maximum balance, moneys in
11 excess of this amount shall be ~~distributed as follows:~~

12 ~~a. The first sixty million dollars of the difference between~~
13 ~~the actual net revenue for the general fund of the state for~~
14 ~~the fiscal year and the adjusted revenue estimate for the~~
15 ~~fiscal year shall be transferred to the taxpayers trust fund.~~

16 ~~b. The remainder of the excess, if any, shall be transferred~~
17 ~~to the general fund of the state.~~

18 Sec. 3. Section 8.57E, subsection 2, Code 2013, is amended
19 to read as follows:

20 2. Moneys in the taxpayers trust fund shall only be used
21 pursuant to appropriations or transfers made by the general
22 assembly for tax relief.

23 Sec. 4. Section 8.58, Code 2013, is amended to read as
24 follows:

25 **8.58 Exemption from automatic application.**

26 1. ~~To the extent that moneys appropriated under section~~
27 ~~8.57 do not result in moneys being credited to the general fund~~
28 ~~under section 8.55, subsection 2, moneys~~ Moneys ~~appropriated~~
29 ~~under in~~ section 8.57 and moneys contained in the cash reserve
30 fund, rebuild Iowa infrastructure fund, environment first
31 fund, Iowa economic emergency fund, and taxpayers trust fund
32 shall not be considered in the application of any formula,
33 index, or other statutory triggering mechanism which would
34 affect appropriations, payments, or taxation rates, contrary
35 provisions of the Code notwithstanding.

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1 2. ~~To the extent that moneys appropriated under section~~
2 ~~8.57 do not result in moneys being credited to the general fund~~
3 ~~under section 8.55, subsection 2, moneys~~ Moneys appropriated
4 ~~under~~ in section 8.57 and moneys contained in the cash reserve
5 fund, rebuild Iowa infrastructure fund, environment first fund,
6 Iowa economic emergency fund, and taxpayers trust fund shall
7 not be considered by an arbitrator or in negotiations under
8 chapter 20.

9 Sec. 5. EFFECTIVE UPON ENACTMENT. This division of this
10 Act, being deemed of immediate importance, takes effect upon
11 enactment.

12 Sec. 6. RETROACTIVE APPLICABILITY. This division of this
13 Act applies retroactively to July 1, 2012, to moneys attributed
14 to fiscal years beginning on or after July 1, 2012.

15 DIVISION II

16 IOWA TAXPAYERS TRUST FUND TAX CREDIT

17 Sec. 7. TAXPAYERS TRUST FUND — IOWA TAXPAYERS TRUST FUND
18 TAX CREDIT TRANSFER. During the fiscal year beginning July
19 1, 2013, there is transferred from the taxpayers trust fund
20 created in section 8.57E to the Iowa taxpayers trust fund tax
21 credit fund created in section 422.11E, an amount equal to the
22 balance of the taxpayers trust fund at the close of the fiscal
23 year beginning July 1, 2012, and ending June 30, 2013, to be
24 used for the Iowa taxpayers trust fund tax credit in accordance
25 with section 422.11E, subsection 5.

26 Sec. 8. Section 257.21, Code 2013, is amended to read as
27 follows:

28 **257.21 Computation of instructional support amount.**

29 1. The department of management shall establish the amount
30 of instructional support property tax to be levied and the
31 amount of instructional support income surtax to be imposed
32 by a district in accordance with the decision of the board
33 under section 257.19 for each school year for which the
34 instructional support program is authorized. The department
35 of management shall determine these amounts based upon the

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1 most recent figures available for the district's valuation of
2 taxable property, individual state income tax paid, and budget
3 enrollment in the district, and shall certify to the district's
4 county auditor the amount of instructional support property
5 tax, and to the director of revenue the amount of instructional
6 support income surtax to be imposed if an instructional support
7 income surtax is to be imposed.

8 2. The instructional support income surtax shall be imposed
9 on the state individual income tax for the calendar year during
10 which the school's budget year begins, or for a taxpayer's
11 fiscal year ending during the second half of that calendar year
12 and after the date the board adopts a resolution to participate
13 in the program or the first half of the succeeding calendar
14 year, and shall be imposed on all individuals residing in the
15 school district on the last day of the applicable tax year.
16 As used in this section, "*state individual income tax*" means
17 the taxes computed under section 422.5, less the amounts of
18 nonrefundable credits allowed under chapter 422, division II,
19 except for the Iowa taxpayers trust fund tax credit allowed
20 under section 422.11E.

21 Sec. 9. NEW SECTION. 422.11E Iowa taxpayers trust fund tax
22 credit.

23 1. For purposes of this section, "*eligible individual*"
24 means, with respect to a tax year, an individual who makes
25 and files an individual income tax return pursuant to section
26 422.13. "*Eligible individual*" does not include an estate or
27 trust, or an individual for whom an individual income tax
28 return was not timely filed, including extensions.

29 2. The taxes imposed under this division, less the credits
30 allowed under this division except the credits for withheld
31 tax and estimated tax paid in section 422.16, shall be reduced
32 by an Iowa taxpayers trust fund tax credit to an eligible
33 individual for the tax year beginning January 1 immediately
34 preceding July 1 of any fiscal year during which a transfer, if
35 any, is made from the taxpayers trust fund in section 8.57E to

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1 the Iowa taxpayers trust fund tax credit fund created in this
2 section.

3 3. The credit shall be equal to the quotient of the amount
4 transferred to the Iowa taxpayers trust fund tax credit fund in
5 the applicable fiscal year, divided by the number of eligible
6 individuals for the tax year immediately preceding the tax year
7 for which the credit in this section is allowed, as determined
8 by the director of revenue in accordance with this section,
9 rounded down to the nearest whole dollar. The department of
10 revenue shall draft the income tax form for any tax year in
11 which a credit will be allowed under this section to provide
12 the information and space necessary for eligible individuals to
13 claim the credit.

14 4. Any credit in excess of the taxpayer's liability for the
15 tax year is not refundable and shall not be credited to the tax
16 liability for any following year or carried back to a tax year
17 prior to the tax year in which the taxpayer claims the credit.

18 5. a. There is established within the state treasury under
19 the control of the department an Iowa taxpayers trust fund tax
20 credit fund consisting of any moneys transferred by the general
21 assembly from the taxpayers trust fund created in section 8.57E
22 for purposes of the credit provided in this section. No later
23 than December 31 in the year following each tax year in which
24 a credit is allowed pursuant to this section, the department
25 shall transfer from the Iowa taxpayers trust fund tax credit
26 fund to the general fund of the state, the lesser of the
27 balance of the Iowa taxpayers trust fund tax credit fund or
28 an amount of money equal to the Iowa taxpayers trust fund tax
29 credits claimed under this section for the applicable tax year.
30 Any moneys remaining in the fund on December 31 after the
31 transfer provided in the previous sentence shall immediately
32 revert to the taxpayers trust fund created in section 8.57E.

33 b. The moneys transferred to the general fund of the state
34 in accordance with this subsection shall not be considered new
35 revenues for purposes of the state general fund expenditure



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1 limitation under section 8.54 but instead as replacement of
2 a like amount included in the expenditure limitation for the
3 fiscal year in which the transfer is made.

4 Sec. 10. Section 422D.2, Code 2013, is amended to read as
5 follows:

6 **422D.2 Local income surtax.**

7 A county may impose by ordinance a local income surtax as
8 provided in section 422D.1 at the rate set by the board of
9 supervisors, of up to one percent, on the state individual
10 income tax of each individual residing in the county at the
11 end of the individual's applicable tax year. However, the
12 cumulative total of the percents of income surtax imposed on
13 any taxpayer in the county shall not exceed twenty percent.
14 The reason for imposing the surtax and the amount needed
15 shall be set out in the ordinance. The surtax rate shall be
16 set to raise only the amount needed. For purposes of this
17 section, "*state individual income tax*" means the tax computed
18 under section 422.5, less the amounts of nonrefundable credits
19 allowed under chapter 422, division II, except for the Iowa
20 taxpayers trust fund tax credit allowed under section 422.11E.

21 Sec. 11. EFFECTIVE UPON ENACTMENT. This division of this
22 Act, being deemed of immediate importance, takes effect upon
23 enactment.

24 Sec. 12. RETROACTIVE APPLICABILITY. This division of this
25 Act applies retroactively to January 1, 2013, for tax years
26 beginning on or after that date.

27 EXPLANATION

28 This bill relates to the taxpayers trust fund by modifying
29 the transfer of moneys from the Iowa economic emergency fund to
30 the taxpayers trust fund, allowing transfers from the taxpayers
31 trust fund, creating an Iowa taxpayers trust fund tax credit
32 and fund, and providing for the transfer of moneys from the
33 taxpayers trust fund for purposes of the credit.

34 Division I of the bill relates to the transfer of moneys from
35 the Iowa economic emergency fund to the taxpayers trust fund.



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1 Under current law in Code section 8.55, when the balance of
2 the Iowa economic emergency fund is equal to the fund's maximum
3 balance, the excess is first distributed to the taxpayers trust
4 fund up to a formula amount and the remainder is transferred to
5 the general fund of the state. The division provides that the
6 entire excess is transferred to the taxpayers trust fund and
7 moneys would no longer be transferred to the general fund of
8 the state.

9 Code section 8.54, relating to the state general fund
10 expenditure limitation, is amended to delete a subsection that
11 provides for readjustment of the expenditure limitation to
12 reflect moneys anticipated to be transferred to the general
13 fund of the state from the Iowa economic emergency fund.

14 Code section 8.58, providing an exemption from statutory
15 triggering mechanisms and consideration by an arbitrator or in
16 a collective bargaining negotiation under Code chapter 20 for
17 moneys in various funds, is amended to eliminate a reference
18 to the transfer from the Iowa economic emergency fund to the
19 general fund of the state.

20 The division amends Code section 8.57E to allow transfers
21 by the general assembly from the taxpayers trust fund for tax
22 relief in addition to appropriations which are already allowed
23 under Iowa law.

24 The division takes effect upon enactment and applies
25 retroactively to July 1, 2012, to moneys attributed to fiscal
26 years beginning on or after July 1, 2012.

27 Division II of the bill creates an Iowa taxpayers trust fund
28 tax credit and provides for a transfer from the taxpayers trust
29 fund for purposes of the credit.

30 The division provides for an Iowa taxpayers trust fund
31 tax credit for eligible individuals. "Eligible individual"
32 is defined, with respect to a tax year, as an individual who
33 timely files an Iowa individual income tax return. An eligible
34 individual does not include an estate or trust. The credit
35 is allowed to eligible individuals for the tax year beginning

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1 January 1 immediately preceding July 1 of any fiscal year in
2 which a transfer is made from the taxpayers trust fund to
3 the Iowa taxpayers trust fund tax credit fund created in the
4 division. When such a transfer is made, a credit will be
5 allowed in an amount equal to the amount transferred divided by
6 the number of eligible individuals for the tax year immediately
7 preceding the tax year for which the credit is allowed, rounded
8 down to the nearest whole dollar.

9 The credit may be claimed against any individual income
10 tax liability remaining after subtracting all refundable and
11 nonrefundable credits except the credits for withheld tax and
12 estimated tax paid in Code section 422.16. The credit is
13 nonrefundable and shall not be credited to the tax liability
14 for any following year or carried back to a tax year prior to
15 the tax year in which the taxpayer claims the credit.

16 The division creates an Iowa taxpayers trust fund tax
17 credit fund within the state treasury under the control of the
18 department of revenue. The division requires that whenever
19 a transfer is made into the fund, the Iowa taxpayers trust
20 fund tax credit is allowed and the department of revenue shall
21 reimburse the general fund of the state an amount equal to the
22 lesser of the balance of the fund or an amount of money equal
23 to the Iowa taxpayers trust fund tax credits claimed for the
24 applicable tax year. The transfer from the Iowa taxpayers
25 trust fund tax credit fund to the general fund of the state
26 is required to be made no later than December 31 in the year
27 following the tax year in which an Iowa taxpayers trust fund
28 tax credit is allowed. Any moneys remaining in the fund after
29 the transfer will immediately revert back to the taxpayers
30 trust fund.

31 The division provides for a transfer from the taxpayers
32 trust fund to the Iowa taxpayers trust fund tax credit fund
33 during the fiscal year beginning July 1, 2013. The amount
34 transferred shall be the ending balance of the taxpayers trust
35 fund at the close of the fiscal year beginning July 1, 2012,



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1 and ending June 30, 2013. The division provides that this
2 transfer will result in a taxpayers trust fund tax credit being
3 allowed to eligible individuals for the 2013 tax year.

4 Finally, the division excludes the Iowa taxpayers trust fund
5 tax credit from the definition of "state individual income
6 tax" for purposes of computing the emergency medical services
7 income surtax in Code chapter 422D, the instructional support
8 income surtax in Code section 257.21, and, by reference, the
9 educational improvement income surtax in Code section 257.29
10 and the physical plant and equipment income surtax in Code
11 section 298.2.

12 The division takes effect upon enactment and applies
13 retroactively to January 1, 2013, for tax years beginning on
14 or after that date.



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House File 2 - Introduced

HOUSE FILE 2

BY SANDS, PAULSEN, UPMAYER,
S. OLSON, SODERBERG,
HEATON, BRANDENBURG,
DRAKE, GARRETT, L. MILLER,
RAYHONS, SHEETS,
FORRISTALL, BYRNES,
HIGHFILL, HUSEMAN,
LOFGREN, ALONS, PETTENGILL,
HAGENOW, SALMON, FISHER,
BACON, KOESTER, LANDON,
HESS, SCHULTZ, SHAW,
BALTIMORE, VANDER LINDEN,
STANERSON, FRY, HEIN,
COSTELLO, ROGERS, J.
SMITH, HEARTSILL, GASSMAN,
GRASSLEY, R. TAYLOR,
WORTHAN, DEYOE, WATTS,
JORGENSEN, HANUSA, BAUDLER,
DOLECHECK, COWNIE, MAXWELL,
KLEIN, KAUFMANN, and
WINDSCHITL

A BILL FOR

1 An Act increasing the regular program foundation base
2 percentage for purposes of the school funding formula.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. 2

1 Section 1. Section 257.1, subsection 2, paragraph b, Code
2 2013, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 b. (1) The regular program foundation base per pupil is the
5 following:

6 (a) For the budget year commencing July 1, 2012, the
7 regular program foundation base per pupil is eighty-seven and
8 five-tenths percent of the regular program state cost per
9 pupil.

10 (b) For the budget year commencing July 1, 2013, the regular
11 program foundation base per pupil is ninety percent of the
12 regular program state cost per pupil.

13 (c) For the budget year commencing July 1, 2014, the regular
14 program foundation base per pupil is ninety-two and five-tenths
15 percent of the regular program state cost per pupil.

16 (d) For the budget year commencing July 1, 2015, the regular
17 program foundation base per pupil is ninety-five percent of the
18 regular program state cost per pupil.

19 (e) For the budget year commencing July 1, 2016, the
20 regular program foundation base per pupil is ninety-seven and
21 five-tenths percent of the regular program state cost per
22 pupil.

23 (f) For the budget year commencing July 1, 2017, and
24 succeeding budget years, the regular program foundation base
25 per pupil is one hundred percent of the regular program state
26 cost per pupil.

27 (2) For each budget year, the special education support
28 services foundation base is seventy-nine percent of the special
29 education support services state cost per pupil. The combined
30 foundation base is the sum of the regular program foundation
31 base, the special education support services foundation base,
32 the total teacher salary supplement district cost, the total
33 professional development supplement district cost, the total
34 early intervention supplement district cost, the total area
35 education agency teacher salary supplement district cost,

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1 and the total area education agency professional development
2 supplement district cost.
3 Sec. 2. Section 257.4, subsection 1, paragraph b, Code 2013,
4 is amended to read as follows:
5 b. For the budget year beginning July 1, 2008, and
6 succeeding budget years beginning before July 1, 2017, the
7 department of management shall annually determine an adjusted
8 additional property tax levy and a statewide maximum adjusted
9 additional property tax levy rate, not to exceed the statewide
10 average additional property tax levy rate, calculated by
11 dividing the total adjusted additional property tax levy
12 dollars statewide by the statewide total net taxable valuation.
13 For purposes of this paragraph, the adjusted additional
14 property tax levy shall be that portion of the additional
15 property tax levy corresponding to the state cost per pupil
16 multiplied by a school district's weighted enrollment, and then
17 multiplied by one hundred percent less the regular program
18 foundation base per pupil percentage pursuant to section
19 257.1. The For budget years beginning before July 1, 2017, the
20 district shall receive adjusted additional property tax levy
21 aid in an amount equal to the difference between the adjusted
22 additional property tax levy rate and the statewide maximum
23 adjusted additional property tax levy rate, as applied per
24 thousand dollars of assessed valuation on all taxable property
25 in the district. ~~The statewide maximum adjusted additional~~
26 ~~property tax levy rate shall be annually determined by the~~
27 ~~department taking into account amounts allocated pursuant to~~
28 ~~section 257.15, subsection 4. The For budget years beginning~~
29 before July 1, 2017, the statewide maximum adjusted additional
30 property tax levy rate shall be annually determined by the
31 department taking into account amounts allocated pursuant to
32 section 257.15, subsection 4, and the balance of the property
33 tax equity and relief fund created in section 257.16A at the
34 end of the calendar year.
35 Sec. 3. Section 257.15, subsection 4, Code 2013, is amended



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1 to read as follows:

2 4. a. *Allocations for maximum adjusted additional property*
3 *tax levy rate calculation and adjusted additional property*
4 *tax levy aid.* The For fiscal years beginning before July 1,
5 2017, the department of management shall allocate from amounts
6 appropriated pursuant to section 257.16, subsection 1, and from
7 funds appropriated from the property tax equity and relief
8 fund created in section 257.16A for the purpose of calculating
9 the statewide maximum adjusted additional property tax levy
10 rate and providing adjusted additional property tax levy aid
11 as provided in section 257.4, subsection 1, paragraph "b",
12 an amount equal to the sum of subparagraphs (1) and (2) as
13 follows:

14 (1) From the amount appropriated from the general fund of
15 the state pursuant to section 257.16, subsection 1, equal to
16 the following:

17 (a) For the budget year beginning July 1, 2006, six million
18 dollars.

19 (b) For the budget year beginning July 1, 2007, twelve
20 million dollars.

21 (c) For the budget year beginning July 1, 2008, eighteen
22 million dollars.

23 (d) For the budget year beginning July 1, 2009, and
24 succeeding budget years beginning before July 1, 2017,
25 twenty-four million dollars.

26 (2) From the amount appropriated from the property tax
27 equity and relief fund created in section 257.16A.

28 b. After lowering all school district additional property
29 tax levy rates to the statewide maximum adjusted additional
30 property tax levy rate under paragraph "a", the department of
31 management shall use any remaining funds at the end of the
32 calendar year to further lower additional property taxes by
33 increasing for the budget year beginning the following July
34 1, the state foundation base percentage. If, however, the
35 state foundation base percentage is one hundred percent, the

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1 department of management shall deposit those remaining funds
2 in the taxpayers trust fund created in section 8.57E. Moneys
3 used pursuant to this paragraph shall supplant an equal amount
4 of the appropriation made from the general fund of the state
5 pursuant to section 257.16 that represents the increase in
6 state foundation aid.

7 Sec. 4. Section 257.16A, subsections 2 and 3, Code 2013, are
8 amended to read as follows:

9 2. ~~There~~ For fiscal years beginning before July 1, 2017,
10 there is appropriated annually all moneys in the fund to the
11 department of management for purposes of section 257.15,
12 subsection 4.

13 3. ~~Notwithstanding~~ Except as provided in subsection 4,
14 and notwithstanding section 8.33, any moneys remaining in the
15 property tax equity and relief fund at the end of a fiscal year
16 shall not revert to any other fund but shall remain in the
17 property tax equity and relief fund for use as provided in this
18 section for the following fiscal year.

19 Sec. 5. Section 257.16A, Code 2013, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 4. Any moneys in the property tax equity
22 and relief fund on June 30, 2017, shall be deposited by the
23 department of management in the taxpayers trust fund created
24 in section 8.57E.

25 Sec. 6. Section 423F.2, subsection 3, Code 2013, is amended
26 to read as follows:

27 3. The moneys available in a fiscal year in the secure an
28 advanced vision for education fund shall be distributed by the
29 department of revenue to each school district in an amount
30 equal to the amount the school district would have received
31 pursuant to the formula in section 423E.4 as if the local
32 sales and services tax for school infrastructure purposes was
33 imposed. Moneys collected in a fiscal year beginning before
34 July 1, 2015, that are in excess of that needed to provide each
35 school district with its formula amount shall be distributed



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1 and credited to the property tax equity and relief fund
2 created in section 257.16A. Moneys collected in a fiscal year
3 beginning on or after July 1, 2015, that are in excess of that
4 amount needed to provide each school district with its formula
5 amount shall be deposited in the taxpayers trust fund created
6 in section 8.57E.

7 EXPLANATION

8 This bill provides for an increase in the regular program
9 foundation base under the state school foundation program. The
10 regular program foundation base is the specified percentage
11 of the regular state program cost per pupil calculation which
12 is paid as state aid to school districts, above and beyond
13 the uniform property tax levy imposed in Code section 257.3.
14 Beginning with the budget year commencing July 1, 2013, the
15 increase is phased in over a five-year period in equal annual
16 increments of two and five-tenths percentage points, from the
17 current regular program foundation base level of 87.5 percent
18 of the regular program state cost per pupil to the level of 100
19 percent in the fifth year.

20 The bill provides that the department of management's
21 determination of an adjusted additional property tax levy and a
22 statewide maximum adjusted additional property tax levy rate
23 only applies to budget years beginning before July 1, 2017.
24 The bill also provides that adjusted additional property tax
25 levy aid to school districts is only provided for budget years
26 beginning before July 1, 2017. The elimination of adjusted
27 additional property tax levy aid is the result of the regular
28 program foundation base percentage reaching 100 percent.

29 The bill sunsets the annual appropriation of \$24 million for
30 adjusted additional property tax levy aid under Code section
31 257.15(4) for the fiscal year beginning July 1, 2017, and
32 thereafter, and provides that if the regular program foundation
33 base percentage is 100 percent, the department of management
34 shall deposit in the taxpayers trust fund those remaining funds
35 allocated for adjusted additional property tax levy aid.

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1 The bill specifies that any moneys in the property tax equity
2 and relief fund established under Code section 257.16A on June
3 30, 2017, shall be deposited by the department of management in
4 the taxpayers trust fund.

5 The bill provides that moneys in the secure an advanced
6 vision for education fund (SAVE) and collected in a fiscal
7 year beginning before July 1, 2015, that are in excess of that
8 needed to provide each school district with its formula amount
9 continue, as under current law, to be distributed and credited
10 to the property tax equity and relief fund created in Code
11 section 257.16A. The bill provides that such excess moneys
12 collected in a fiscal year beginning on or after July 1, 2015,
13 shall be deposited in the taxpayers trust fund.



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House File 3 - Introduced

HOUSE FILE 3

BY SANDS, PAULSEN, UPMAYER,
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FORRISTALL, BYRNES,
HIGHFILL, HUSEMAN, LOFGREN,
ALONS, PETTENGILL, HAGENOW,
SALMON, FISHER, BACON,
KOESTER, LANDON, HESS,
SCHULTZ, BALTIMORE, SHAW,
STANERSON, VANDER LINDEN,
FRY, HEIN, COSTELLO,
ROGERS, BAUDLER, HANUSA,
MOORE, WATTS, R. TAYLOR,
HEARTSILL, GRASSLEY,
JORGENSEN, GASSMAN,
DOLECHECK, KLEIN,
WINDSCHITL, WORTHAN,
MAXWELL, COWNIE, J. SMITH,
KAUFMANN, HEATON, and DEYOE

A BILL FOR

1 An Act relating to the individual income tax by creating an
2 alternative base income tax imposed at the election of
3 the taxpayer and including effective date and retroactive
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1421YH (8) 85
mm/sc



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H.F. 3

1 DIVISION I
2 ALTERNATIVE BASE INCOME TAX
3 Section 1. NEW SECTION. 422.5A Tax imposed — alternative
4 base income tax.

5 1. For purposes of this section, "*base income*" means the
6 adjusted gross income before the net operating loss deduction
7 as properly computed for federal income tax purposes under the
8 Internal Revenue Code, less a standard deduction equal to six
9 thousand two hundred thirty-five dollars for a married person
10 who files separately or a single person or equal to twelve
11 thousand four hundred seventy dollars for a married couple
12 who files a joint return, a surviving spouse, or a head of
13 household.

14 2. Notwithstanding any other provision of law, a resident
15 or nonresident may, in lieu of the taxes imposed under section
16 422.5, elect to be subject to state income tax as imposed and
17 computed pursuant to subsection 3. Such election must be made
18 not later than the due date for filing the return for a taxable
19 year, including extensions thereof, and under rules to be
20 prescribed by the director.

21 3. A tax is imposed upon every resident and nonresident
22 of the state making the election under subsection 2 which tax
23 shall be levied, collected, and paid annually in an amount
24 equal to the base income of the resident or nonresident times
25 four and one-half percent.

26 4. Notwithstanding any other provision of law, a resident or
27 nonresident making the election under subsection 2 shall not
28 be allowed any nonrefundable or refundable credit otherwise
29 allowed under this division for the tax year for which the
30 election is made, except for the credits for withheld tax and
31 estimated tax paid under section 422.16.

32 DIVISION II
33 CONFORMING CHANGES

34 Sec. 2. Section 68A.102, subsection 21, Code 2013, is
35 amended to read as follows:

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1 21. *"State income tax liability"* means either the state
2 individual income tax imposed under section 422.5, less the
3 amounts of nonrefundable credits allowed under chapter 422,
4 division II, or the alternative base income tax imposed under
5 section 422.5A if applicable.

6 Sec. 3. Section 257.21, unnumbered paragraph 2, Code 2013,
7 is amended to read as follows:

8 The instructional support income surtax shall be imposed on
9 the state individual income tax for the calendar year during
10 which the school's budget year begins, or for a taxpayer's
11 fiscal year ending during the second half of that calendar year
12 and after the date the board adopts a resolution to participate
13 in the program or the first half of the succeeding calendar
14 year, and shall be imposed on all individuals residing in the
15 school district on the last day of the applicable tax year. As
16 used in this section, *"state individual income tax"* means either
17 the taxes computed under section 422.5, less the amounts of
18 nonrefundable credits allowed under chapter 422, division II,
19 or the tax computed under section 422.5A if applicable.

20 Sec. 4. Section 422.16, subsection 8, Code 2013, is amended
21 to read as follows:

22 8. An employer or withholding agent shall be liable for
23 the payment of the tax required to be deducted and withheld
24 or the amount actually deducted, whichever is greater, under
25 subsections 1 and 12 of this section; and any amount deducted
26 and withheld as tax under subsections 1 and 12 of this section
27 during any calendar year upon the wages of any employee,
28 nonresident, or other person shall be allowed as a credit to
29 the employee, nonresident, or other person against the tax
30 imposed by section 422.5, or section 422.5A if applicable,
31 irrespective of whether or not such tax has been, or will
32 be, paid over by the employer or withholding agent to the
33 department as provided by this chapter.

34 Sec. 5. Section 422.21, subsection 1, Code 2013, is amended
35 to read as follows:

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H.F. 3

1 1. Returns shall be in the form the director prescribes,
2 and shall be filed with the department on or before the last
3 day of the fourth month after the expiration of the tax year.
4 However, cooperative associations as defined in section 6072(d)
5 of the Internal Revenue Code shall file their returns on or
6 before the fifteenth day of the ninth month following the
7 close of the taxable year and nonprofit corporations subject
8 to the unrelated business income tax imposed by section
9 422.33, subsection 1A, shall file their returns on or before
10 the fifteenth day of the fifth month following the close of
11 the taxable year. If, under the Internal Revenue Code, a
12 corporation is required to file a return covering a tax period
13 of less than twelve months, the state return shall be for the
14 same period and is due forty-five days after the due date of
15 the federal tax return, excluding any extension of time to
16 file. In case of sickness, absence, or other disability, or
17 if good cause exists, the director may allow further time for
18 filing returns. The director shall cause to be prepared blank
19 forms for the returns and shall cause them to be distributed
20 throughout the state and to be furnished upon application,
21 but failure to receive or secure the form does not relieve
22 the taxpayer from the obligation of making a return that is
23 required. The department may as far as consistent with the
24 Code draft income tax forms to conform to the income tax
25 forms of the internal revenue department of the United States
26 government. Each return by a taxpayer upon whom a tax is
27 imposed by section 422.5 or 422.5A shall show the county of the
28 residence of the taxpayer.

29 Sec. 6. Section 422D.2, Code 2013, is amended to read as
30 follows:

31 **422D.2 Local income surtax.**

32 A county may impose by ordinance a local income surtax as
33 provided in section 422D.1 at the rate set by the board of
34 supervisors, of up to one percent, on the state individual
35 income tax of each individual residing in the county at the

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1 end of the individual's applicable tax year. However, the
2 cumulative total of the percents of income surtax imposed on
3 any taxpayer in the county shall not exceed twenty percent.
4 The reason for imposing the surtax and the amount needed shall
5 be set out in the ordinance. The surtax rate shall be set to
6 raise only the amount needed. For purposes of this section,
7 "*state individual income tax*" means either the tax computed
8 under section 422.5, less the amounts of nonrefundable credits
9 allowed under chapter 422, division II, or the tax computed
10 under section 422.5A if applicable.

11 DIVISION III

12 IMPLEMENTATION

13 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
14 immediate importance, takes effect upon enactment.

15 Sec. 8. RETROACTIVE APPLICABILITY. This Act applies
16 retroactively to January 1, 2013, for tax years beginning on
17 or after that date.

18 EXPLANATION

19 This bill relates to the individual income tax by creating
20 an alternative base income tax imposed at the election of the
21 taxpayer.

22 Division I relates to the computation and imposition of an
23 alternative base income tax.

24 In lieu of the regular personal net income tax computed and
25 imposed under Code section 422.5, a resident or nonresident
26 individual may elect to be subject to an alternative base
27 income tax as provided in the division. An election must be
28 made not later than the due date for filing the return for
29 a taxable year, including extensions, and under rules to be
30 prescribed by the director.

31 The state income tax of a taxpayer making an election shall
32 be an amount of tax equal to the taxpayer's base income times
33 4.5 percent. "Base income" is defined as the taxpayer's
34 adjusted gross income before the net operating loss deduction
35 as properly computed for federal income tax purposes, less a

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1 standard deduction of \$6,235 for a married person who files
2 separately or a single person or \$12,470 for a married couple
3 filing a joint return, a surviving spouse, or a head of
4 household. A taxpayer shall not be allowed any nonrefundable
5 or refundable tax credit for the tax year for which the
6 election is made, except the credits for withheld tax and
7 estimated tax paid under Code section 422.16.

8 Division II relates to miscellaneous conforming changes.

9 The division makes conforming changes to the definitions of
10 "state income tax liability" for purposes of the Iowa election
11 campaign fund income tax checkoff in Code chapter 68A, and
12 "state individual income tax" for purposes of the emergency
13 medical services income surtax in Code chapter 422D, the
14 instructional support income surtax in Code section 257.21,
15 and, by reference, the educational improvement income surtax
16 in Code section 257.29 and the physical plant and equipment
17 income surtax in Code section 298.2, to include income tax
18 computed and imposed under the alternative system in new Code
19 section 422.5A. The division also amends Code sections 422.16
20 and 422.21 to include references to new Code section 422.5A
21 in provisions of those Code sections that reference the tax
22 imposed under Code section 422.5.

23 Division III relates to implementation of the bill.

24 The division provides that the bill takes effect upon
25 enactment and applies retroactively to January 1, 2013, for tax
26 years beginning on or after that date.



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House File 4 - Introduced

HOUSE FILE 4
BY HANSON

A BILL FOR

1 An Act establishing a centralized state school bus purchasing
2 program administered by the department of administrative
3 services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1089HH (2) 85
je/nh



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H.F. 4

1 Section 1. NEW SECTION. **8A.319 Centralized state school**
2 **bus purchasing program.**

3 1. The department shall develop procedures and
4 specifications for the solicitation of bids for the purchase of
5 school buses, in consultation with the department of education,
6 school districts, and nonpublic schools. In soliciting bids,
7 the department shall conform to all applicable state and
8 federal laws, rules, and regulations regarding standards for
9 school buses.

10 2. As a condition of participating in the state school bus
11 purchasing program, each bidder shall agree that if the bidder
12 subsequently offers a substantially similar bid to another
13 purchaser for a lower price, the bidder's contract price with
14 the state shall be automatically reduced to match the lower
15 price.

16 3. As a condition of participating in the state school
17 bus purchasing program, each bidder shall agree to include an
18 option for school districts to trade in school buses currently
19 in use.

20 4. The department may award a contract for purchase to
21 any bidder or bidders responsive to the needs of at least
22 one school district or nonpublic school participating in the
23 program.

24 5. Participation in the state school bus purchasing program
25 by school districts and nonpublic schools is voluntary. A
26 school district or nonpublic school may accept any bid for
27 which the department awards a contract for purchase. A school
28 district or nonpublic school participating in the program shall
29 conform to all applicable local, state, and federal laws,
30 rules, and regulations regarding standards for school buses.
31 A school district or nonpublic school may participate in the
32 program in lieu of following the procedures for the purchase of
33 school buses prescribed by chapter 285.

34 6. The department, in conjunction with the department of
35 education, shall adopt rules to administer this section.

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H.F. 4

1 Sec. 2. Section 285.10, subsection 7, paragraph b, Code
2 2013, is amended to read as follows:
3 **b.** By purchasing buses and entering into contracts to pay
4 for such buses in accordance with section 8A.319 or over a
5 five-year period as follows: one-fourth of the cost when the
6 bus is delivered and the balance in equal annual installments,
7 plus simple interest due. The interest rate shall be the
8 lowest rate available and shall not exceed the rate in effect
9 under section 74A.2. The bus shall serve as security for
10 balance due. Competitive bids on comparable equipment shall be
11 requested on all school bus purchases and shall be based upon
12 minimum construction standards established by the department of
13 education. Bids shall be requested unless the bus is a used or
14 demonstrator bus.

15 EXPLANATION

16 This bill establishes a centralized state school bus
17 purchasing program administered by the department of
18 administrative services. The bill directs the department
19 of administrative services to develop procedures and
20 specifications for the solicitation of bids for the purchase of
21 school buses, in consultation with the department of education,
22 school districts, and nonpublic schools. In soliciting bids,
23 the department must conform to all applicable state and federal
24 laws, rules, and regulations regarding standards for school
25 buses.

26 The bill provides that as a condition of participating in
27 the state school bus purchasing program, each bidder must agree
28 that if the bidder subsequently offers a substantially similar
29 bid to another purchaser for a lower price, the bidder's
30 contract price with the state will be automatically reduced to
31 match the lower price. The bill provides that as a condition
32 of participating in the program, each bidder must also agree to
33 include an option for school districts to trade in school buses
34 currently in use.

35 The bill provides that the department of administrative

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1 services may award a contract for purchase to any bidder or
2 bidders responsive to the needs of at least one school district
3 or nonpublic school participating in the state school bus
4 purchasing program.

5 The bill provides that participation in the state school bus
6 purchasing program by school districts and nonpublic schools
7 is voluntary. The bill provides that a school district or
8 nonpublic school may accept any bid for which the department
9 of administrative services awards a contract for purchase.

10 The bill provides that a school district or nonpublic school
11 participating in the program must conform to all applicable
12 local, state, and federal laws, rules, and regulations
13 regarding standards for school buses. The bill specifies that
14 a school district or nonpublic school may participate in the
15 program in lieu of following the procedures for the purchase of
16 school buses prescribed by Code chapter 285.

17 The bill directs the department of administrative services,
18 in conjunction with the department of education, to adopt rules
19 to administer the bill.



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House File 5 - Introduced

HOUSE FILE 5
BY GASKILL

A BILL FOR

1 An Act requiring the county commissioner of elections to
2 provide notice following receipt of a motion adopted by a
3 local government requesting a ballot proposition concerning
4 the imposition of the local sales and services tax.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1083HH (2) 85
md/sc



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H.F. 5

1 Section 1. Section 423B.1, subsection 4, paragraph b, Code
2 2013, is amended to read as follows:
3 b. The question of the imposition of a local sales and
4 services tax shall be submitted to the registered voters
5 of the incorporated and unincorporated areas of the county
6 upon receipt by the county commissioner of elections of the
7 motion or motions, requesting such submission, adopted by the
8 governing body or bodies of the city or cities located within
9 the county or of the county, for the unincorporated areas of
10 the county, representing at least one half of the population of
11 the county. Upon adoption of such motion, the governing body
12 of the city or of the county, for the unincorporated areas,
13 ~~shall submit the motion to the county commissioner of elections~~
14 ~~and in the case of the governing body of the city shall notify~~
15 ~~the board of supervisors of the adoption of the motion.~~
16 Within fifteen days of receiving such a motion submitted by
17 a city located within the county or by the county for the
18 unincorporated areas of the county, the county commissioner
19 of elections shall send written notice to all other cities
20 located in whole or in part within the county and to the board
21 of supervisors if the motion is submitted by a city. The
22 notice shall name the city that submitted the motion or the
23 county that submitted the motion for the unincorporated areas
24 of the county, the date the motion was adopted by the governing
25 body of the city or county, the population of the city or
26 unincorporated areas represented by the governing body that
27 submitted the motion, the names of all other jurisdictions from
28 which the commissioner of elections holds valid motions, the
29 populations of such other jurisdictions, the total population
30 of the county, and a description of the approval procedures
31 and population requirements for submission of the question to
32 the registered voters of the county. The county commissioner
33 of elections shall keep a file on all the motions received
34 and, upon reaching the population requirements, shall publish
35 notice of the ballot proposition concerning the imposition of



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H.F. 5

1 the local sales and services tax. A motion ceases to be valid
2 at the time of the holding of the regular election for the
3 election of members of the governing body which adopted the
4 motion. The county commissioner of elections shall eliminate
5 from the file any motion that ceases to be valid. The manner
6 provided under this paragraph for the submission of the
7 question of imposition of a local sales and services tax is an
8 alternative to the manner provided in paragraph "a".

9 EXPLANATION

10 Code section 423B.1 governs the procedures for approval
11 and imposition of a local option sales and services tax. The
12 question of the imposition of a local sales and services tax is
13 to be submitted to the registered voters of the incorporated
14 and unincorporated areas of the county upon receipt by the
15 county commissioner of elections of the motion or motions,
16 requesting such submission, adopted by the governing body or
17 bodies of the city or cities located within the county or
18 of the county for the unincorporated areas of the county,
19 representing at least one-half of the population of the county.

20 When a motion is adopted by the governing body of the
21 city or by the board of supervisors of the county for the
22 unincorporated areas, that governing body must submit the
23 motion to the county commissioner of elections. This bill
24 requires that within 15 days of receiving such a motion, the
25 county commissioner of elections must send written notice to
26 all other cities located in whole or in part within the county
27 and to the board of supervisors if the motion is submitted by
28 a city. The bill requires the notice to name the city that
29 submitted the motion or the county that submitted the motion
30 for the unincorporated areas of the county, the date the motion
31 was adopted by the city council or the board of supervisors,
32 as applicable, the population of the jurisdiction or area that
33 submitted the motion, the names of all other jurisdictions from
34 which the commissioner of elections holds valid motions, the
35 populations of such other jurisdictions, the population of

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1 the county, and a description of the approval procedures and
2 population requirements for submission of the question to the
3 registered voters of the county.



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House File 6 - Introduced

HOUSE FILE 6
BY ISENHART

A BILL FOR

1 An Act relating to access by a candidate to residential
2 buildings or communities for campaign purposes, and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1180YH (1) 85
jr/rj



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H.F. 6

1 Section 1. NEW SECTION. 68A.407 Campaign access to
2 residential properties.

3 1. A candidate, an individual expressly advocating
4 the passage or defeat on a ballot issue, or an individual
5 encouraging people to vote, to register to vote, or to sign
6 a petition addressing a matter of government, shall not be
7 denied access to the general common elements, as defined in
8 section 499B.2, of a residential building with two or more
9 dwelling units, or any of the following types of residential
10 communities:

11 a. A residential community where access is restricted
12 by means of a door, gate, or other type of barrier which is
13 monitored and controlled by a specific individual.

14 b. A residential community where access is not restricted
15 but the streets and walkways are privately owned.

16 2. The granting of this right shall not be construed to
17 require any individual to facilitate or aid in such access
18 where access otherwise may be controlled for security reasons.

19 EXPLANATION

20 This bill prohibits denying access to the general common
21 elements of an unsecured residential building with two or more
22 dwelling units, to any other type of residential community
23 where access is restricted by means of a door, gate, or other
24 type of barrier which is monitored and controlled by a specific
25 individual, or to a residential community where the streets and
26 walkways are privately owned, to persons who wish to contact
27 the residents for campaign or other election-related purposes.

28 As provided in Code section 68A.701, a willful violation of
29 any provision of the campaign finance law, Code chapter 68A,
30 is a serious misdemeanor punishable by confinement for up to
31 one year and a fine of at least \$315 but not more than \$1,875.
32 A variety of civil remedies are also available in Code section
33 68B.32D for a violation of Code chapter 68A or rules of the
34 ethics and campaign disclosure board, ranging from a reprimand
35 to a civil penalty of not more than \$2,000.

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jr/rj

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House File 7 - Introduced

HOUSE FILE 7
BY MURPHY

A BILL FOR

1 An Act providing free motor vehicle registration for certain
2 disabled veterans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1109HH (2) 85
dea/nh



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H.F. 7

1 Section 1. Section 321.34, subsection 12A, paragraph b,
2 Code 2013, is amended to read as follows:

3 b. An owner of a vehicle referred to in subsection 12 who
4 applies for any type of special registration plates associated
5 with service in the United States armed forces shall be issued
6 one set of the special registration plates at no charge and
7 subject to no annual registration fee if the owner is eligible
8 for, but has relinquished to the department or the county
9 treasurer or has not been issued, medal of honor registration
10 plates under subsection 8 or disabled veteran registration
11 plates under section 321.105, subsection 5 or 6.

12 Sec. 2. Section 321.105, Code 2013, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 6. A veteran with a service-connected
15 disability rated at thirty percent or higher shall be exempt
16 from payment of the annual registration fee provided in this
17 chapter for one vehicle, and shall be provided, without fee,
18 with one set of regular registration plates or one set of any
19 type of special registration plates associated with service in
20 the United States armed forces for which the disabled veteran
21 qualifies under section 321.34. The disabled veteran, to be
22 able to claim the benefit, must be a resident of the state
23 of Iowa. In lieu of the set of regular or special military
24 registration plates available without fee, the disabled veteran
25 may obtain a set of nonmilitary special registration plates or
26 personalized plates issued under section 321.34 by paying the
27 additional fees associated with those plates.

28 Sec. 3. Section 321.166, subsection 6, Code 2013, is amended
29 to read as follows:

30 6. Registration plates issued to a disabled veteran under
31 the provisions of section 321.105, subsection 5 or 6, shall
32 display the alphabetical characters "DV" which shall precede
33 the registration plate number. The plates may also display
34 a persons with disabilities parking sticker if issued to the
35 disabled veteran by the department under section 321L.2.

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dea/nh

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H.F. 7

1 Sec. 4. Section 321L.2, subsection 1, paragraph a,
2 subparagraph (2), Code 2013, is amended to read as follows:

3 (2) Persons with disabilities parking sticker. An
4 applicant who owns a motor vehicle for which the applicant
5 has been issued registration plates under section 321.34 or
6 registration plates as a ~~seriously~~ disabled veteran under
7 section 321.105, subsection 5 or 6, may apply to the department
8 for a persons with disabilities parking sticker to be affixed
9 to the plates. The persons with disabilities parking stickers
10 shall bear the international symbol of accessibility.

11 Sec. 5. Section 321L.2, subsection 5, Code 2013, is amended
12 to read as follows:

13 5. A seriously disabled veteran who has been provided with
14 an automobile or other vehicle by the United States government
15 under the provisions of 38 U.S.C. § 1901 et seq. (1970) is
16 not required to apply for a persons with disabilities parking
17 permit under this section unless the veteran has been issued
18 special registration plates or personalized plates for the
19 vehicle. The regular registration plates issued for the
20 disabled veteran's vehicle without fee pursuant to section
21 321.105, subsection 5, entitle the disabled veteran to all
22 of the rights and privileges associated with persons with
23 disabilities parking permits under this chapter.

24 EXPLANATION

25 This bill provides that a veteran of the United States armed
26 forces with a service-connected disability rated at 30 percent
27 or higher is exempt from the payment of annual registration
28 fees for one vehicle. The veteran is entitled to one set
29 of disabled veteran registration plates to be issued free of
30 charge. Currently, disabled veteran registration plates are
31 available only to seriously disabled veterans who have been
32 provided with an automobile or other vehicle by the United
33 States government. The veteran may substitute any of the
34 special plates associated with military service in lieu of the
35 disabled veteran plates without additional fee, or the veteran

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1 may substitute a set of personalized plates or nonmilitary
2 special plates upon payment of the additional fees associated
3 with those plates. The use of the free registration plates
4 passes to the surviving spouse upon the death of the veteran.



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House Joint Resolution 1 - Introduced

HOUSE JOINT RESOLUTION 1
BY FORRISTALL, PAULSEN,
UPMEYER, S. OLSON,
SODERBERG, HEATON, DRAKE,
GARRETT, L. MILLER,
RAYHONS, SHEETS, BYRNES,
HIGHFILL, HUSEMAN,
LOFGREN, ALONS, PETTENGILL,
HAGENOW, SALMON, FISHER,
BACON, KOESTER, LANDON,
HESS, SCHULTZ, SHAW,
STANERSON, BALTIMORE,
VANDER LINDEN, FRY, HEIN,
COSTELLO, ROGERS, BAUDLER,
HANUSA, MOORE, WATTS,
R. TAYLOR, HEARTSILL,
GRASSLEY, JORGENSEN,
GASSMAN, DOLECHECK, KLEIN,
WINDSCHITL, WORTHAN,
MAXWELL, SANDS, COWNIE,
J. SMITH, DEYOE, KAUFMANN,
and BRANDENBURG

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to the right to work.
3 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1578YH (5) 85
je/rj



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H.J.R. 1

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 The Constitution of the State of Iowa is amended by adding
4 the following new sections to new Article XIII:

5 ARTICLE XIII.

6 LABOR UNION MEMBERSHIP.

7 **Right to join union.** SECTION 1. It is declared to be
8 the policy of the state of Iowa that no person within its
9 boundaries shall be deprived of the right to work at the
10 person's chosen occupation for any employer because of
11 membership in, affiliation with, withdrawal or expulsion
12 from, or refusal to join, any labor union, organization, or
13 association, and any contract which contravenes this policy is
14 illegal and void.

15 **Refusal to employ prohibited.** SEC. 2. It shall be unlawful
16 for any person, firm, association, or corporation to refuse
17 or deny employment to any person because of membership in, or
18 affiliation with, or resignation or withdrawal from, a labor
19 union, organization, or association, or because of refusal
20 to join or affiliate with a labor union, organization, or
21 association.

22 **Contracts to exclude unlawful.** SEC. 3. It shall be unlawful
23 for any person, firm, association, corporation, or labor
24 organization to enter into any understanding, contract, or
25 agreement, whether written or oral, to exclude from employment
26 members of a labor union, organization, or association, or
27 persons who do not belong to, or who refuse to join, a labor
28 union, organization, or association, or because of resignation
29 or withdrawal therefrom.

30 **Union dues as prerequisite to employment — prohibited.** SEC.
31 4. It shall be unlawful for any person, firm, association,
32 labor organization, corporation, or political subdivision,
33 either directly or indirectly, or in any manner or by any means
34 as a prerequisite to or a condition of employment, to require
35 any person to pay dues, charges, fees, contributions, fines,

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1 or assessments to any labor union, labor association, or labor
2 organization.

3 Deducting dues from pay unlawful. SEC. 5. It shall be
4 unlawful for any person, firm, association, labor organization,
5 or corporation to deduct labor organization dues, charges,
6 fees, contributions, fines, or assessments from an employee's
7 earnings, wages, or compensation, unless the employer has first
8 been presented with an individual written order therefor signed
9 by the employee, which written order shall be terminable at
10 any time by the employee giving at least thirty days' written
11 notice of such termination to the employer.

12 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
13 amendment to the Constitution of the State of Iowa is referred
14 to the general assembly to be chosen at the next general
15 election for members of the general assembly and the secretary
16 of state is directed to cause it to be published for three
17 consecutive months previous to the date of that election as
18 provided by law.

EXPLANATION

20 This joint resolution proposes an amendment to the
21 Constitution of the State of Iowa relating to labor union
22 membership. The joint resolution proposes incorporating
23 current Code sections 731.1 through 731.5 into the
24 constitution. The resolution provides that a person shall
25 not be deprived of the right to work for any employer because
26 of membership in, or refusal to join, a labor union. The
27 resolution also prohibits requiring the payment of union
28 dues or the deduction of union dues from a person's pay as a
29 prerequisite for employment.

30 The resolution, if adopted, would be referred to the next
31 general assembly for adoption a second time before being
32 submitted to the electorate for ratification.



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House Joint Resolution 2 - Introduced

HOUSE JOINT RESOLUTION 2
BY PAULSEN, SODERBERG,
UPMEYER, HAGENOW,
VANDER LINDEN, WINDSCHITL,
PETTENGILL, ALONS, SALMON,
FISHER, BACON, HESS,
KAUFMANN, J. SMITH, DRAKE,
BYRNES, BRANDENBURG,
R. TAYLOR, RAYHONS,
L. MILLER, BALTIMORE,
SCHULTZ, COSTELLO,
ROGERS, GRASSLEY, GASSMAN,
WORTHAN, DEYOE, HEARTSILL,
JORGENSEN, BAUDLER, LANDON,
KOESTER, WATTS, HIGHFILL,
COWNIE, KLEIN, MAXWELL,
HUSEMAN, HANUSA, HEIN,
SHEETS, STANERSON, MOORE,
DOLECHECK, FORRISTALL,
GARRETT, LOFGREN, S. OLSON,
FRY, SHAW, and HEATON

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing amendments to the Constitution of
2 the State of Iowa relating to state budgeting by creating a
3 state general fund expenditure limitation, providing for a
4 taxpayers trust fund, requiring authorization for certain
5 bonds, and restricting certain state revenue changes.
6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 The Constitution of the State of Iowa is amended by adding
4 the following new section to new Article XIII:

5 ARTICLE XIII.

6 EXPENDITURE LIMITATION.

7 **General fund expenditure limitation. SECTION 1.**

8 1. For the purposes of this section:

9 *a. "Adjusted revenue estimate"* means the most recent revenue
10 estimate determined before January 1, or a later and lesser
11 revenue estimate determined before adjournment of the regular
12 session of the general assembly, for the general fund for the
13 following fiscal year as determined by a revenue estimating
14 conference which shall be established by the general assembly
15 by law, adjusted by subtracting estimated refunds payable from
16 that estimated revenue. However, if the general assembly holds
17 an extraordinary session prior to the commencement of the
18 fiscal year to which the revenue estimate applies and before
19 or during the extraordinary session the revenue estimating
20 conference determines a lesser revenue estimate, the lesser
21 estimate shall be used for the adjusted revenue estimate.

22 *b. "General fund"* means the principal operating fund of the
23 state which shall be established by the general assembly by
24 law.

25 *c. "New revenue"* means moneys which are received by the
26 general fund due to increased tax rates or fees or newly
27 created taxes or fees over and above those moneys which are
28 received due to state taxes or fees which are in effect as
29 of January 1 following the most recent meeting of the state
30 revenue estimating conference. *"New revenue"* also includes
31 moneys received by the general fund due to new transfers over
32 and above those moneys received by the general fund due to
33 transfers which are in effect as of January 1 following the
34 most recent meeting of the state revenue estimating conference.
35 Except for transfers provided for by law, the state revenue

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1 estimating conference shall determine whether transfers to the
2 general fund are to be considered as new revenue in determining
3 the state general fund expenditure limitation.

4 *d. "Surplus"* means the cumulative excess of revenue and
5 other financing sources over expenditures and other financing
6 uses for the general fund at the end of a fiscal year.

7 2. A state general fund expenditure limitation is created
8 and calculated in subsection 3, for each fiscal year beginning
9 on or after July 1 following the effective date of this
10 section.

11 3. Except as otherwise provided in this section, the state
12 general fund expenditure limitation for a fiscal year shall be
13 ninety-nine percent of the adjusted revenue estimate.

14 4. The state general fund expenditure limitation shall be
15 used by the governor in the preparation and approval of the
16 budget and by the general assembly in the budget process.

17 5. If a new revenue source is proposed, the budget revenue
18 projection used for that new revenue source for the period
19 beginning on the effective date of the new revenue source and
20 ending in the fiscal year in which the source is included in
21 the adjusted revenue estimate shall be ninety-five percent
22 of the amount remaining after subtracting estimated refunds
23 payable from the projected revenue from that source. If a new
24 revenue source is established and implemented, the original
25 state general fund expenditure limitation amount provided for
26 in subsection 3 shall be readjusted to include ninety-five
27 percent of the estimated revenue from that source.

28 6. *a.* If there is a surplus existing at the end of a fiscal
29 year which exceeds ten percent of the adjusted revenue estimate
30 of that fiscal year and the actual net revenue for the general
31 fund exceeds the adjusted revenue estimate for that fiscal
32 year, the surplus shall be transferred to a taxpayers trust
33 fund. Except for temporary cash flow purposes, moneys in the
34 taxpayers trust fund shall only be used in accordance with
35 appropriations or transfers made by the general assembly for

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1 purposes of providing tax relief.

2 **b.** Any surplus equal to ten percent or less of the adjusted
3 revenue estimate of the following fiscal year may be included
4 in the adjusted revenue estimate for the following fiscal year
5 if approved in a bill receiving the affirmative votes of at
6 least three-fifths of the members elected to each house of the
7 general assembly.

8 7. If a bill or joint resolution provides for a new
9 enactment of revenue or appropriations bonding authority, or
10 an expansion of existing revenue or appropriations bonding
11 authority, which bonds are funded in whole or in part from
12 revenue from the general fund or from another portion of the
13 state treasury, the bill or joint resolution shall not become
14 law unless approved by the affirmative votes of at least
15 two-thirds of the members elected to each house of the general
16 assembly. In addition, the state general fund expenditure
17 limitation for the initial or subsequent fiscal year to
18 which the bill or joint resolution applies shall include any
19 appropriations of such revenue for the fiscal year.

20 8. The scope of the state general fund expenditure
21 limitation under subsection 3 shall not include federal funds,
22 donations, constitutionally dedicated moneys, and moneys
23 expended from a state retirement system.

24 9. The governor shall submit and the general assembly shall
25 pass a budget which does not exceed the state general fund
26 expenditure limitation. The governor shall not approve or
27 disapprove appropriation bills or items of appropriation bills
28 passed by the general assembly in a manner that would cause
29 the final budget approved by the governor to exceed the state
30 general fund expenditure limitation.

31 10. The governor shall not submit and the general assembly
32 shall not pass a budget which in order to balance assumes
33 reversion of any part of the total of the appropriations
34 included in the budget.

35 11. The state shall use consistent standards, in accordance

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1 with generally accepted accounting principles, for all state
2 budgeting and accounting purposes.

3 12. The general assembly shall enact laws to implement this
4 section.

5 Sec. 2. The following amendment to the Constitution of the
6 State of Iowa is proposed:

7 The Constitution of the State of Iowa is amended by adding
8 the following new sections to new Article XIII:

9 ARTICLE XIII.

10 THREE-FIFTHS MAJORITY FOR TAX LAW CHANGES.

11 **Three-fifths majority to increase taxes. SECTION 1.** A
12 bill containing provisions enacting, amending, or repealing
13 the state income tax or enacting, amending, or repealing the
14 state sales and use taxes, in which the aggregate fiscal
15 impact of those provisions relating to those taxes results
16 in a net increase in state tax revenue, as determined by the
17 general assembly, shall require the affirmative votes of at
18 least three-fifths of the members elected to each house of the
19 general assembly for passage. This section does not apply to
20 income tax or sales and use taxes imposed at the option of a
21 local government.

22 **Three-fifths majority to enact new state tax. SEC. 2.** A bill
23 that establishes a new state tax to be imposed by the state
24 shall require the affirmative votes of at least three-fifths
25 of the members elected to each house of the general assembly
26 for passage.

27 **Enforcement of three-fifths majority requirement. SEC. 3.** A
28 lawsuit challenging the proper enactment of a bill pursuant to
29 section 1 or 2 shall be filed no later than one year following
30 the enactment. Failure to file such a lawsuit within the
31 one-year time limit shall negate the three-fifths majority
32 requirement as it applies to the bill.

33 Each bill to which section 1 or 2 applies shall include a
34 separate provision describing the requirements for enactment
35 prescribed by section 1 or 2.

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1 **Implementation.** SEC. 4. The general assembly shall enact
2 laws to implement sections 1 through 3.

3 Sec. 3. The foregoing proposed amendments to the
4 Constitution of the State of Iowa are referred to the general
5 assembly to be chosen at the next general election for members
6 of the general assembly, and the Secretary of State is directed
7 to cause them to be published for three consecutive months
8 previous to the date of that election as provided by law.

9	EXPLANATION
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10 This resolution proposes two amendments within a new Article
11 XIII to the Constitution of the State of Iowa which relate to
12 state budgets and state revenue.

13 The first amendment creates a state general fund expenditure
14 limitation. The amount of the limitation is 99 percent of the
15 adjusted revenue estimate. The amendment defines adjusted
16 revenue estimate and requires that that estimate be determined
17 by a revenue estimating conference which is to be created by
18 the general assembly by law. The amendment requires that the
19 expenditure limitation be used by the governor in preparation
20 of the governor's budget and by the general assembly in the
21 budget process. The governor is prohibited from approving or
22 disapproving of appropriations in a manner that would cause the
23 final budget approved by the governor to exceed the expenditure
24 limitation.

25 The first amendment also provides that if a new revenue
26 source is established and implemented, 95 percent of the
27 estimate of that new revenue shall be included in the
28 expenditure limitation.

29 The first amendment provides that if there is a surplus
30 existing at the end of a fiscal year which exceeds 10 percent
31 of the adjusted revenue for the fiscal year and the actual net
32 revenue for the general fund for the fiscal year exceeds the
33 adjusted revenue estimate for the fiscal year, the surplus is
34 required to be transferred to a taxpayers trust fund. Any
35 surplus which is equal to 10 percent or less of the amount of

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1 the adjusted revenue estimate of the following fiscal year may
2 be included in the following year's adjusted revenue estimate
3 if inclusion is approved in a bill by at least three-fifths of
4 the members elected to each house of the general assembly.

5 The first amendment requires that enactment of a bill or
6 joint resolution providing for new or expanded authority to
7 issue revenue or appropriations bonds funded in whole or in
8 part from revenue from the general fund or from another portion
9 of the state treasury requires a vote of at least two-thirds of
10 the members elected to each house of the general assembly. In
11 addition, the appropriations of such revenue are required to
12 be included in the state general fund expenditure limitation
13 for each applicable fiscal year.

14 The first amendment also requires the state to use generally
15 accepted accounting principles for state budgeting and
16 accounting purposes. The amendment provides that the general
17 assembly shall enact laws to implement the amendment.

18 The second amendment contained in the resolution requires
19 a three-fifths majority vote of the members elected to each
20 house of the general assembly for certain tax law changes.
21 The amendment provides that any bill that enacts, amends,
22 or repeals the state income tax or the state sales and use
23 tax, and which causes, in the aggregate, an increase in state
24 tax revenues, as determined by the general assembly, must be
25 adopted by at least three-fifths of the members elected to each
26 house of the general assembly. The amendment also requires
27 a three-fifths majority vote of the members elected to each
28 house of the general assembly in order to enact a new state tax
29 to be imposed by the state. A lawsuit challenging enactment
30 of a bill subject to either three-fifths majority passage
31 requirement must be filed no later than one year from the date
32 of enactment of the bill. Finally, the amendment provides
33 that the general assembly shall enact laws to implement the
34 amendment.

35 The resolution, if adopted, will be referred to the next

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1 general assembly. If the next general assembly adopts this
2 resolution, the amendments will be submitted to the voters for
3 their decision on ratification.



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House Study Bill 1 - Introduced

HOUSE CONCURRENT RESOLUTION NO. _____

BY (PROPOSED COMMITTEE ON ADMINISTRATION AND RULES
RESOLUTION BY CHAIRPERSON WINDSCHITL)

1 A Concurrent Resolution relating to joint rules of
2 the Senate and House of Representatives for the
3 Eighty-fifth General Assembly.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
5 SENATE CONCURRING, That the joint rules of the Senate
6 and House of Representatives for the ~~Eighty-fourth~~
7 Eighty-fifth General Assembly shall be:

8 JOINT RULES OF THE SENATE AND HOUSE

9 Rule 1

10 Suspension of Joint Rules

11 The joint rules of the general assembly may be
12 suspended by concurrent resolution, duly adopted by a
13 constitutional majority of the senate and the house.

14 Rule 2

15 Designation of Sessions

16 Each regular session of a general assembly shall be
17 designated by the year in which such regular session
18 commences.

19 Rule 3

20 Sessions of a General Assembly

21 The election of officers, organization, hiring and
22 compensation of employees, and standing committees in
23 each house of the general assembly and action taken
24 by each house shall carry over from the first to the
25 second regular session and to any extraordinary session
26 of the same general assembly. The status of each
27 bill and resolution shall be the same at the beginning

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1 of each second session as it was immediately before
2 adjournment of the previous regular or extraordinary
3 session; however the rules of either house may provide
4 for re-referral of some or all bills and resolutions
5 to standing committees upon adjournment of each
6 session or at the beginning of a subsequent regular or
7 extraordinary session, except those which have been
8 adopted by both houses in different forms.

9 Upon final adoption of a concurrent resolution at
10 any extraordinary session affecting that session, or at
11 a regular session affecting any extraordinary session
12 which may be held before the next regular session,
13 the creation of any calendar by either house shall be
14 suspended and the business of the session shall consist
15 solely of those bills or subject matters stated in the
16 resolution adopted. Bills named in the resolution, or
17 bills containing the subject matter provided for in the
18 resolution, may, at any time, be called up for debate
19 in either house by the majority leader of that house.

20 Rule 3A

21 International Relations Protocol

22 The senate and the house of representatives shall
23 comply with the international relations protocol policy
24 adopted by the international relations committee of the
25 legislative council.

26 Rule 4

27 Presentation of Messages

28 All messages between the two houses shall be sent
29 and accepted, as soon as practicable, by the secretary
30 of the senate and the chief clerk of the house of

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1 representatives. The messages shall be communicated
2 to and received by the presiding officer of the other
3 house at the earliest appropriate time when that house
4 is in session.

5 Rule 5

6 Printing and Form of Bills and Other Documents

7 Bills and joint resolutions shall be introduced,
8 numbered, prepared, and printed as provided by
9 law, or in the absence of such law, in a manner
10 determined by the secretary of the senate and the
11 chief clerk of the house of representatives. Proposed
12 bills and resolutions which are not introduced but
13 are referred to committee shall be tracked in the
14 legislative computer system as are introduced bills
15 and resolutions. The referral of proposed bills
16 and resolutions to committee shall be entered in the
17 journal.

18 All bills and joint resolutions introduced shall be
19 in a form and number approved by the secretary of the
20 senate and chief clerk of the house.

21 The legal counsel's office of each house shall
22 approve all bills before introduction.

23 Rule 6

24 Companion Bills

25 Identical bills introduced in one or both houses
26 shall be called companion bills. Each house shall
27 designate the sponsor in the usual way followed in
28 parentheses by the sponsor of any companion bill or
29 bills in the other house. The house where a companion
30 bill is first introduced shall print the complete text.

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1 Rule 7

2 Reprinting of Bills

3 Whenever any bill has been substantially amended by
4 either house, the secretary of the senate or the chief
5 clerk of the house shall order the bill reprinted on
6 paper of a different color. All adopted amendments
7 shall be distinguishable.

8 The secretary of the senate or the chief clerk
9 of the house may order the printing of a reasonable
10 number of additional copies of any bill, resolution,
11 amendment, or journal.

12 Rule 8

13 Daily Clip Sheet

14 The secretary of the senate and the chief clerk of
15 the house shall prepare a daily clip sheet covering all
16 amendments filed.

17 Rule 9

18 Reintroduction of Bills and Other Measures

19 A bill or resolution which has passed one house and
20 is rejected in the other shall not be introduced again
21 during that general assembly.

22 Rule 10

23 Certification of Bills and Other Enrollments

24 When any bill or resolution which has passed one
25 house is rejected or adopted in the other, notice of
26 such action and the date thereof shall be given to the
27 house of origin in writing signed by the secretary of
28 the senate or the chief clerk of the house.

29 Rule 11

30 Code Editor's Correction Bills

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1 A bill recommended by the Code editor which is
2 passed out of committee to the floor for debate by a
3 committee of the house or senate and which contains
4 Code corrections of a nonsubstantive nature shall
5 not be amended on the floor of either house except
6 pursuant to corrective or nonsubstantive amendments
7 filed by the judiciary committee of the senate or
8 the house. Such committee amendments, whether filed
9 at the time of initial committee passage of the bill
10 to the floor for debate or after rereferral to the
11 committee, shall not be incorporated into the bill in
12 the originating house but shall be filed separately.
13 Amendments filed from the floor to strike sections of
14 the bill or the committee amendments shall be in order.
15 Following amendment and passage by the second house,
16 only amendments filed from the floor which strike
17 sections of the amendment of the second house shall be
18 in order.

19 A bill recommended by the Code editor which is
20 passed out of committee to the floor for debate by a
21 committee of the house or senate and which contains
22 Code corrections beyond those of a nonsubstantive
23 nature shall not be amended on the floor of either
24 house except pursuant to amendments filed by the
25 judiciary committee of the senate or the house. Such
26 committee amendments, whether filed at the time of
27 initial committee passage of the bill to the floor for
28 debate or after rereferral to the committee, shall
29 not be incorporated into the bill in the originating
30 house but shall be filed separately. Such a bill shall



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1 be limited to corrections which: Adjust language to
2 reflect current practices, insert earlier omissions,
3 delete redundancies and inaccuracies, delete temporary
4 language, resolve inconsistencies and conflicts,
5 update ongoing provisions, and remove ambiguities.
6 Amendments filed from the floor to strike sections of
7 the bill or the committee amendments shall be in order.
8 Following amendment and passage by the second house,
9 only amendments filed from the floor which strike
10 sections of the amendment of the second house shall be
11 in order.

12 It is the intent of the house and the senate that
13 such bills be passed out of committee to the floor for
14 debate within the first four weeks of convening of a
15 legislative session.

16 Rule 12

17 Amendments by Other House

18 1. When a bill which originated in one house is
19 amended in the other house, the house originating
20 the bill may amend the amendment, concur in full in
21 the amendment, or refuse to concur in full in the
22 amendment. Precedence of motions shall be in that
23 order. The amendment of the other house shall not be
24 ruled out of order based on a question of germaneness.

25 a. If the house originating the bill concurs in the
26 amendment, the bill shall then be immediately placed
27 upon its final passage.

28 b. If the house originating the bill refuses to
29 concur in the amendment, the bill shall be returned to
30 the amending house which shall either:



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1 (1) Recede, after which the bill shall be read for
2 the last time and immediately placed upon its final
3 passage; or

4 (2) Insist, which will send the bill to a
5 conference committee.

6 c. If the house originating the bill amends the
7 amendment, that house shall concur in the amendment
8 as amended and the bill shall be immediately placed
9 on final passage, and shall be returned to the other
10 house. The other house cannot further amend the bill.

11 (1) If the amending house which gave second
12 consideration to the bill concurs in the amendment
13 to the amendment, the bill shall then be immediately
14 placed upon its final passage.

15 (2) If the amending house refuses to concur in the
16 amendment to the amendment, the bill shall be returned
17 to the house originating the bill which shall either:

18 (a) Recede, after which the bill shall be read for
19 the last time as amended and immediately placed upon
20 its final passage; or

21 (b) Insist, which will send the bill to a
22 conference committee.

23 2. A motion to recede has precedence over a motion
24 to insist. Failure to recede means to insist; and
25 failure to insist means to recede.

26 3. A motion to lay on the table or to indefinitely
27 postpone shall be out of order with respect to motions
28 to recede from or insist upon and to amendments to
29 bills which have passed both houses.

30 4. A motion to concur, refuse to concur, recede,



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1 insist, or adopt a conference committee report is in
2 order even though the subject matter has previously
3 been acted upon.

4 Rule 13
5 Conference Committee

6 1. Within one legislative day after either house
7 insists upon an amendment to a bill, the presiding
8 officer of the house, after consultation with the
9 majority leader, shall appoint three majority party
10 members and, after consultation with the minority
11 leader, shall appoint two minority party members
12 to a conference committee. The majority leader of
13 the senate, after consultation with the president,
14 shall appoint three majority party members and,
15 after consultation with and approval by the minority
16 leader, shall appoint two minority party members to a
17 conference committee. The papers shall remain with the
18 house that originated the bill.

19 2. The conference committee shall meet before
20 the end of the next legislative day after their
21 appointment, shall select a chair and shall discuss the
22 controversy.

23 3. The authority of the first conference committee
24 shall cover only issues related to provisions of the
25 bill and amendments to the bill which were adopted
26 by either the senate or the house of representatives
27 and on which the senate and house of representatives
28 differed. If a conference committee report is not
29 acted upon because such action would violate this
30 subsection of this rule, the inaction on the report

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1 shall constitute refusal to adopt the conference
2 committee report and shall have the same effect as if
3 the conference committee had disagreed.

4 4. An agreement on recommendations must be approved
5 by a majority of the committee members from each house.
6 The committee shall submit two originals of the report
7 signed by a majority of the committee members of each
8 house with one signed original and three copies to be
9 submitted to each house. The report shall first be
10 acted upon in the house originating the bill. Such
11 action, including all papers, shall be immediately
12 referred by the secretary of the senate or the chief
13 clerk of the house of representatives to the other
14 house.

15 5. The report of agreement is debatable, but
16 cannot be amended. If the report contains recommended
17 amendments to the bill, adoption of the report shall
18 automatically adopt all amendments contained therein.
19 After the report is adopted, there shall be no more
20 debate, and the bill shall immediately be placed upon
21 its final passage.

22 6. Refusal of either house to adopt the conference
23 committee report has the same effect as if the
24 committee had disagreed.

25 7. If the conference committee fails to reach
26 agreement, a report of such failure signed by a
27 majority of the committee members of each house shall
28 be given promptly to each house. The bill shall
29 be returned to the house that originated the bill,
30 the members of the committee shall be immediately



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1 discharged, and a new conference committee appointed in
2 the same manner as the first conference committee.

3 8. The authority of a second or subsequent
4 conference committee shall cover free conference during
5 which the committee has authority to propose amendments
6 to any portion of a bill provided the amendment is
7 within the subject matter content of the bill as passed
8 by the house of origin or as amended by the second
9 house.

10 Rule 14

11 Enrollment and Authentication of Bills

12 A bill or resolution which has passed both houses
13 shall be enrolled in the house of origin under the
14 direction of either the secretary of the senate or the
15 chief clerk of the house and its house of origin shall
16 be certified by the endorsement of the secretary of the
17 senate or the chief clerk of the house.

18 After enrollment, each bill shall be signed by the
19 president of the senate and by the speaker of the
20 house.

21 Rule 15

22 Concerning Other Enrollments

23 All resolutions and other matters which are to
24 be presented to the governor for approval shall be
25 enrolled, signed, and presented in the same manner as
26 bills.

27 All resolutions and other matters which are not to
28 be presented to the governor or the secretary of state
29 shall be enrolled, signed, and retained permanently
30 by the secretary of the senate or chief clerk of the

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1 house.

2 Rule 16

3 Transmission of Bills to the Governor

4 After a bill has been signed in each house, it shall
5 be presented by the house of origin to the governor by
6 either the secretary of the senate or the chief clerk
7 of the house. The secretary or the chief clerk shall
8 report the date of the presentation, which shall be
9 entered upon the journal of the house of origin.

10 Rule 17

11 Fiscal Notes

12 A fiscal note shall be attached to any bill or joint
13 resolution which reasonably could have an annual effect
14 of at least one hundred thousand dollars or a combined
15 total effect within five years after enactment of
16 five hundred thousand dollars or more on the aggregate
17 revenues, expenditures, or fiscal liability of the
18 state or its subdivisions. This rule does not apply
19 to appropriation and ways and means measures where the
20 total effect is stated in dollar amounts.

21 Each fiscal note shall state in dollars the
22 estimated effect of the bill on the revenues,
23 expenditures, and fiscal liability of the state or
24 its subdivisions during the first five years after
25 enactment. The information shall specifically note
26 the fiscal impact for the first two years following
27 enactment and the anticipated impact for the succeeding
28 three years. The fiscal note shall specify the source
29 of the information. Sources of funds for expenditures
30 under the bill shall be stated, including federal

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1 funds. If an accurate estimate cannot be made, the
2 fiscal note shall state the best available estimate or
3 shall state that no dollar estimate can be made and
4 state concisely the reason.

5 The preliminary determination of whether the bill
6 appears to require a fiscal note shall be made by
7 the legal services staff of the legislative services
8 agency. Unless the requestor specifies the request is
9 to be confidential, upon completion of the bill draft,
10 the legal services staff shall immediately send a copy
11 to the fiscal services director for review.

12 When a committee reports a bill to the floor, the
13 committee shall state in the report whether a fiscal
14 note is or is not required.

15 The fiscal services director or the director's
16 designee shall review all bills placed on the senate
17 or house calendars to determine whether the bills are
18 subject to this rule.

19 Additionally, a legislator may request the
20 preparation of a fiscal note by the fiscal services
21 staff for any bill or joint resolution introduced which
22 reasonably could be subject to this rule.

23 The fiscal services director or the director's
24 designee shall cause to be prepared and shall approve
25 a fiscal note within a reasonable time after receiving
26 a request or determining that a bill is subject to
27 this rule. All fiscal notes approved by the fiscal
28 services director shall be transmitted immediately to
29 the secretary of the senate or the chief clerk of the
30 house, after notifying the sponsor of the bill that a

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1 fiscal note has been prepared, for publication in the
2 daily clip sheet. The secretary of the senate or chief
3 clerk of the house shall attach the fiscal note to the
4 bill as soon as it is available.

5 The fiscal services director may request the
6 cooperation of any state department or agency in
7 preparing a fiscal note.

8 A revised fiscal note may be requested by a
9 legislator if the fiscal effect of the bill has been
10 changed by adoption of an amendment. However, a
11 request for a revised fiscal note shall not delay
12 action on a bill unless so ordered by the presiding
13 officer of the house in which the bill is under
14 consideration.

15 If a date for adjournment has been set, then a
16 constitutional majority of the house in which the
17 bill is under consideration may waive the fiscal note
18 requirement during the three days prior to the date set
19 for adjournment.

20 Rule 18

21 Legislative Interns

22 Legislators may arrange student internships during
23 the legislative session with Iowa college, university,
24 or law school students, for which the students may
25 receive college credit at the discretion of their
26 schools. Each legislator is allowed only one intern
27 at a time per legislative session, and all interns must
28 be registered with the offices of the secretary of the
29 senate and the chief clerk of the house.

30 The purpose of the legislative intern program shall

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1 be: to provide useful staff services to legislators
2 not otherwise provided by the general assembly; to give
3 interested college, graduate, and law school students
4 practical experience in the legislative process as well
5 as providing a meaningful educational experience; and
6 to enrich the curriculum of participating colleges and
7 universities.

8 The secretary of the senate and the chief clerk of
9 the house or their designees shall have the following
10 responsibilities as regards the legislative intern
11 program:

12 1. Identify a supervising faculty member at each
13 participating institution who shall be responsible
14 for authorizing students to participate in the intern
15 program.

16 2. Provide legislators with a list of participating
17 institutions and the names of supervising professors to
18 contact if interested in arranging for an intern.

19 3. Provide interns with name badges which will
20 allow them access to the floor of either house when
21 required to be present by the legislators for whom they
22 work.

23 4. Provide orientation materials to interns prior
24 to the convening of each session.

25 Rule 19

26 Administrative Rules Review Committee Bills and Rule

27 Referrals

28 A bill which relates to departmental rules and
29 which is approved by the administrative rules review
30 committee by a majority of the committee's members

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1 of each house is eligible for introduction in either
2 house at any time and must be referred to a standing
3 committee, which must take action on the bill within
4 three weeks of referral, except bills referred to
5 appropriations and ways and means committees.

6 If, on or after July 1, 1999, the administrative
7 rules review committee delays the effective date of a
8 rule until the adjournment of the next regular session
9 of the general assembly and the speaker of the house
10 or the president of the senate refers the rule to a
11 standing committee, the standing committee shall review
12 the rule within twenty-one days of the referral and
13 shall take formal committee action by sponsoring a
14 joint resolution to disapprove the rule, by proposing
15 legislation relating to the rule, or by refusing to
16 propose a joint resolution or legislation concerning
17 the rule. The standing committee shall inform the
18 administrative rules review committee of the committee
19 action taken concerning the rule.

20 Rule 20

21 Time of Committee Passage and Consideration of Bills

22 1. This rule does not apply to concurrent or
23 simple resolutions, joint resolutions nullifying
24 administrative rules, senate confirmations, bills
25 embodying redistricting plans prepared by the
26 legislative services agency pursuant to chapter
27 42, or bills passed by both houses in different
28 forms. Subsection 2 of this rule does not apply to
29 appropriations bills, ways and means bills, government
30 oversight bills, legalizing acts, administrative

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1 rules review committee bills, bills sponsored by
2 standing committees in response to a referral from
3 the president of the senate or the speaker of the
4 house of representatives relating to an administrative
5 rule whose effective date has been delayed until the
6 adjournment of the next regular session of the general
7 assembly by the administrative rules review committee,
8 bills cosponsored by majority and minority floor
9 leaders of one house, bills in conference committee,
10 and companion bills sponsored by the majority floor
11 leaders of both houses after consultation with the
12 respective minority floor leaders. For the purposes of
13 this rule, a joint resolution is considered as a bill.
14 To be considered an appropriations, ways and means,
15 or government oversight bill for the purposes of this
16 rule, the appropriations committee, the ways and means
17 committee, or the government oversight committee must
18 either be the sponsor of the bill or the committee of
19 first referral in the originating house.

20 2. To be placed on the calendar in the house of
21 origin, a bill must be first reported out of a standing
22 committee by Friday of the 8th week of the first
23 session and the 8th week of the second session. To be
24 placed on the calendar in the other house, a bill must
25 be first reported out of a standing committee by Friday
26 of the 12th week of the first session and the 11th week
27 of the second session.

28 3. During the 10th week of the first session and
29 the 9th week of the second session, each house shall
30 consider only bills originating in that house and

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1 unfinished business. During the 13th week of the
2 first session and the 12th week of the second session,
3 each house shall consider only bills originating in
4 the other house and unfinished business. Beginning
5 with the 14th week of the first session and the 13th
6 week of the second session, each house shall consider
7 only bills passed by both houses, bills exempt from
8 subsection 2, and unfinished business.

9 4. A motion to reconsider filed and not disposed
10 of on an action taken on a bill or resolution which is
11 subject to a deadline under this rule may be called up
12 at any time before or after the day of the deadline by
13 the person filing the motion or after the deadline by
14 the majority floor leader, notwithstanding any other
15 rule to the contrary.

16 Rule 21

17 Resolutions

18 1. A "concurrent resolution" is a resolution to
19 be adopted by both houses of the general assembly
20 which expresses the sentiment of the general assembly
21 or deals with temporary legislative matters. It
22 may authorize the expenditure, for any legislative
23 purpose, of funds appropriated to the general assembly.
24 A concurrent resolution is not limited to, but may
25 provide for a joint convention of the general assembly,
26 adjournment or recess of the general assembly, or
27 requests to a state agency or to the general assembly
28 or a committee. A concurrent resolution requires
29 the affirmative vote of a majority of the senators or
30 representatives present and voting unless otherwise

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1 specified by statute. A concurrent resolution does
2 not require the governor's approval unless otherwise
3 specified by statute. A concurrent resolution shall
4 be filed with the secretary of the senate or the chief
5 clerk of the house. A concurrent resolution shall be
6 printed in the bound journal after its adoption.

7 2. A "joint resolution" is a resolution which
8 requires for approval the affirmative vote of a
9 constitutional majority of each house of the general
10 assembly. A joint resolution which appropriates funds
11 or enacts temporary laws must contain the clause "Be It
12 Enacted by the General Assembly of the State of Iowa:",
13 is equivalent to a bill, and must be transmitted to
14 the governor for approval. A joint resolution which
15 proposes amendments to the Constitution of the State
16 of Iowa, ratifies amendments to the Constitution of
17 the United States, proposes a request to Congress
18 or an agency of the government of the United States
19 of America, proposes to Congress an amendment to the
20 Constitution of the United States of America, nullifies
21 an administrative rule, or creates a special commission
22 or committee must contain the clause "Be It Resolved by
23 the General Assembly of the State of Iowa:" and shall
24 not be transmitted to the governor. A joint resolution
25 shall not amend a statute in the Code of Iowa.

26 Rule 22

27 Nullification Resolutions

28 A "nullification resolution" is a joint resolution
29 which nullifies all of an administrative rule, or
30 a severable item of an administrative rule adopted



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1 pursuant to chapter 17A of the Code. A nullification
2 resolution shall not amend an administrative rule by
3 adding language or by inserting new language in lieu of
4 existing language.

5 A nullification resolution is debatable, but cannot
6 be amended on the floor of the house or senate. The
7 effective date of a nullification resolution shall
8 be stated in the resolution. Any motions filed to
9 reconsider adoption of a nullification resolution
10 must be disposed of within one legislative day of the
11 filing.

12 Rule 23

13 Consideration of Vetoes

14 1. The senate and house calendar shall include a
15 list known as the "Veto Calendar." The veto calendar
16 shall consist of:

17 a. Bills returned to that house by the governor
18 in accordance with Article III, section 16 of the
19 Constitution of the State of Iowa.

20 b. Appropriations items returned to that house by
21 the governor in accordance with Article III, section 16
22 of the Constitution of the State of Iowa.

23 c. Bills and appropriations items received from the
24 other house after that house has voted to override a
25 veto of them by the governor.

26 2. Vetoed bills and appropriations items shall
27 automatically be placed on the veto calendar upon
28 receipt. Vetoed bills and appropriations items shall
29 not be referred to committee.

30 3. Upon first publication in the veto calendar, the



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1 senate majority leader or the house majority leader
2 may call up a vetoed bill or appropriations item at any
3 time.

4 4. The affirmative vote of two-thirds of the
5 members of the body by record roll call is required on
6 a motion to override an executive veto or item veto.

7 5. A motion to override an executive veto or item
8 veto is debatable. A vetoed bill or appropriation item
9 cannot be amended in this case.

10 6. The vote by which a motion to override an
11 executive veto or item veto passes or fails to pass
12 either house is not subject to reconsideration under
13 senate rule 24 or house rule 73.

14 7. The secretary of the senate or the chief clerk
15 of the house shall immediately notify the other house
16 of the adoption or rejection of a motion to override an
17 executive veto or item veto.

18 8. All bills and appropriations items on the veto
19 calendar shall be disposed of before adjournment sine
20 die, unless the house having a bill or appropriation
21 item before it declines to do so by unanimous consent.

22 9. Bills and appropriations items on the veto
23 calendar are exempt from deadlines imposed by joint
24 rule 20.

25 Rule 24

26 Special Rules Regarding Redistricting ~~for 2010~~

27 1. If, pursuant to chapter 42, either the senate or
28 the house of representatives rejects a redistricting
29 plan submitted by the legislative services agency, the
30 house rejecting the plan shall convey the reasons for

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1 the rejection of the plan to the legislative services
2 agency by resolution.
3 2. If, pursuant to chapter 42, the legislative
4 services agency submits a third redistricting plan
5 as provided by law, the senate and the house of
6 representatives, when considering a bill embodying the
7 third plan, shall be allowed to accept for filing as
8 amendments only such amendments which constitute the
9 total text of a congressional plan without striking
10 a legislative redistricting plan, the total text of
11 a legislative redistricting plan without striking a
12 congressional plan, or the combined total text of a
13 congressional plan and a legislative redistricting
14 plan, and nonsubstantive, technical corrections to the
15 text of any such bills or amendments.



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House Study Bill 2 - Introduced

HOUSE RESOLUTION NO. _____

BY (PROPOSED COMMITTEE ON ADMINISTRATION AND RULES
RESOLUTION BY CHAIRPERSON WINDSCHITL)

1 A Resolution relating to permanent rules of the House
2 of Representatives for the Eighty-fifth General
3 Assembly.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
5 the permanent rules of the House for the ~~eighty-fourth~~
6 eighty-fifth general assembly be as follows:

7 DIVISION I — GENERAL RULES

8 Rule 1

9 Call to Order and Order of Business

10 The speaker shall take the chair at the hour to
11 which the house has adjourned, and shall immediately
12 call the house to order, correct the journal of the
13 previous day's proceedings, and proceed to other
14 business, including, but not limited to, introduction
15 of bills, reports, messages, communications, business
16 pending at adjournment, announcements, resolutions
17 and bills on their passage, and points of personal
18 privilege.

19 Rule 2

20 Quorum Call and Time of Convening

21 The house shall convene each Monday at 1:00 p.m.
22 and at 8:30 a.m. on all other legislative days, unless
23 otherwise ordered. The time of convening shall be
24 recorded in the journal. The house shall not convene
25 on Sunday during a regular or special session.

26 The speaker or a member may request a roll call to
27 determine if a quorum is present.

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1 Rule 3

2 Absences from the House

3 No member shall be absent without leave while the
4 house is in session unless excused for good cause.

5 Rule 4

6 Preservation of Order

7 The speaker shall preserve order and decorum and
8 speak to points of order. Subject to an appeal to the
9 house by any member, the speaker shall decide questions
10 of order which shall not be debated.

11 The speaker may have the chamber of the house
12 cleared in case of any disturbance or disorderly
13 conduct.

14 Only past legislators, state officials, persons
15 whose presence is deemed by the speaker to be of
16 special significance to the house, and school classes
17 accompanied by teachers and seated in the galleries
18 shall be introduced in the house.

19 No person other than a member of the house shall be
20 allowed to speak from the floor of the house without
21 prior permission of the speaker.

22 The public may take photographs from the galleries
23 at any time. However, the use of flash bulbs or any
24 other artificial lighting is prohibited.

25 Members of the press may photograph from the press
26 box, but shall not use artificial lighting without
27 prior permission from the chief clerk of the house.
28 Photographs shall not be taken on the house floor when
29 the members are voting on a question put before the
30 house. Photographs or video recordings of the voting



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1 boards shall not be taken while a nonrecord roll call
2 vote is displayed. Photographs may be taken on the
3 house floor at other times with the consent of the
4 subject or subjects of the photography.

5 Rule 4A

6 Use of Electronic Devices and Video Streaming in
7 Chamber

8 1. A person present in the house chamber while the
9 house is in order shall mute any cell phone, computer,
10 or other electronic device under the person's control.
11 The speaker may remove from the chamber any person
12 acting in violation of this rule.

13 2. A member shall not use a cell phone or other
14 electronic device to audibly transmit or receive
15 communications while recognized by the presiding
16 officer to speak in debate.

17 3. The speaker shall control the time, place,
18 and manner of use of the house's internet video
19 streaming system on the floor of the house and in the
20 visitors' galleries. However, the speaker shall not
21 edit, censor, or shut off the house's internet video
22 streaming system during debate on the floor of the
23 house.

24 Rule 5

25 Rules of Parliamentary Practice

26 The rules of parliamentary practice in Mason's
27 Manual of Legislative Procedure shall govern the house
28 in all cases where they are not inconsistent with the
29 standing rules of the house, joint rules of the house
30 and senate, or customary practice of the house.

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1 Rule 5A

2 House Budget

3 The speaker of the house shall annually prepare a
4 proposed budget for the house of representatives for
5 the payment of expenses, salaries, per diems, and other
6 items. The proposed budget shall be submitted on the
7 fourteenth day of each legislative session to the house
8 administration and rules committee, which shall approve
9 a proposed budget in house resolution form. The house
10 shall adopt a budget prior to adjournment.

11 Rule 6

12 The Speaker Pro Tempore

13 The house shall, at its pleasure, elect a speaker
14 pro tempore. When the speaker shall for any cause be
15 absent, the speaker pro tempore shall preside, except
16 when the chair is filled by appointment by either
17 the speaker or the speaker pro tempore. If a vacancy
18 occurs in the office of speaker, the speaker pro
19 tempore shall assume the duties and responsibilities
20 of the speaker until such time as the house shall elect
21 a new speaker. The speaker or the speaker pro tempore
22 shall have the right to name any member to perform the
23 duties of speaker, but such substitution shall not
24 extend beyond the adjournment. The acts of the speaker
25 pro tempore shall have the same validity as those of
26 the speaker. In the absence of both the speaker and
27 the speaker pro tempore, the house shall name a speaker
28 who shall preside over it and perform all the duties of
29 the speaker with the exception of signing bills, until
30 such time as the speaker or speaker pro tempore shall

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1 be present, and the person's acts shall have the same
2 force and validity as those of the regularly elected
3 speaker.

4 Rule 7

5 Amendment of Rules

6 A motion to change or rescind a standing rule or
7 order of the house requires one day's notice.

8 Rule 8

9 Violation of House Rules

10 The speaker shall, or any member may, call to order
11 a member who violates the rules of the house. With
12 leave of the house, the member called to order may be
13 permitted to explain. If the case requires it, the
14 member shall be subject to censure of the house.

15 Rule 9

16 Referral of Rule Violations

17 The speaker shall, upon complaint of a member,
18 or upon the speaker's own motion, refer any alleged
19 violation of house or joint rules by house members,
20 employees or staff to the house ethics committee upon
21 an initial finding that an investigation is warranted.

22 The ethics committee shall investigate such
23 allegations and report them back to the house with a
24 recommendation.

25 Rule 10

26 Recognition and Decorum in Debate

27 A member who wishes to speak in debate shall be
28 appropriately attired, with male members wearing coat
29 or tie. After recognition by the chair, a member
30 shall respectfully address the presiding officer



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1 by saying "Mr. or Madam Speaker". A member shall
2 confine all remarks to the question under debate,
3 shall be respectful of other members, and shall avoid
4 referencing or questioning the motives of another
5 member.

6 Rule 11

7 Limit on Debate

8 No member shall speak more than once on the same
9 question without leave of the speaker, nor more than
10 twice until every member choosing to speak has spoken,
11 except as provided in Rule 81. A member shall be
12 limited to ten minutes debate on bills, resolutions,
13 and amendments, but may be granted an extension of time
14 by consent of the house. However, the floor manager
15 of a bill or resolution and the lead sponsor of an
16 amendment may exceed the ten-minute limit on opening
17 and closing remarks.

18 Rule 12

19 Decorum During Debate

20 No member shall leave the house while the speaker
21 is putting a question. No one shall pass between the
22 speaker and a member who is speaking or two members who
23 have been recognized by the speaker.

24 Rule 13

25 Stating the Question

26 When a motion is made, it shall be stated by the
27 speaker. A motion made in writing shall be passed to
28 the speaker's station before it is debated.

29 Rule 14

30 Putting the Question



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1 Questions shall be distinctly put in this form:
2 "All those in favor of (the question) shall say 'aye';"
3 and after the affirmative voice is expressed, "All
4 those opposed to (the question) shall say 'no'."
5 If the speaker is in doubt or a member of the house
6 requests, a nonrecord roll call vote shall be taken.

7 DIVISION II — EMPLOYEES OF THE HOUSE

8 Rule 15

9 Chief Clerk of the House

10 The chief clerk of the house shall serve as
11 parliamentarian and chief administrative officer of the
12 house under the direction of the speaker of the house.
13 The chief clerk shall supervise the chief clerk's
14 office; be responsible for the custody and safekeeping
15 of all bills, resolutions, and amendments filed,
16 except when they are in the custody of a committee;
17 have charge of the daily journal; have control of all
18 rooms assigned for the use of the house; attest to the
19 accuracy and correctness of text and action on bills
20 and resolutions; process the handling of amendments
21 when filed and during the floor consideration of bills;
22 insert adopted amendments into bills before transmittal
23 to the senate and prior to final enrollment; supervise
24 legislative printing and the distribution of printed
25 material; and perform all other duties pertaining to
26 the office of the chief clerk.

27 Rule 16

28 Legislative and Session Days

29 For purposes of these rules, a legislative day is a
30 day when the house is called to order. A legislative



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1 day that runs past midnight is not considered a new
2 legislative day. A session day is any calendar day
3 beginning with the convening of the annual regular
4 session and ending with adjournment sine die.

5 Rule 17

6 Sergeant-At-Arms

7 The sergeant-at-arms shall execute all orders of
8 the house and the presiding officer; perform all
9 assigned duties related to the policing and good order
10 of the house; supervise the entrance and exit of all
11 persons to and from the chamber; promptly execute all
12 messages, etc.; provide that the chamber is properly
13 ventilated and open for the use of the members; and
14 perform all other services pertaining to the office of
15 sergeant-at-arms.

16 Rule 18

17 Secretaries

18 Each member may hire a secretary for the legislative
19 session who shall be under the general direction of the
20 member and the chief clerk. Secretaries shall be on
21 duty at the house from 8:00 a.m. to 4:30 p.m. Monday
22 through Thursday and on other legislative days when
23 required by the chief clerk, except when excused by the
24 member for whom the secretary works. Secretaries shall
25 perform such duties as may be assigned to them by the
26 member or the chief clerk.

27 Rule 19

28 Extra Compensation of Employees

29 No employee shall receive any extra compensation,
30 except as provided by the house, or tips for services



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1 performed while on duty. Any violation of this rule
2 shall be grounds for removal.

3 DIVISION III — VISITORS AND LOBBYISTS

4 Rule 20

5 Admission to the House; Lobbying

6 The chamber of the house shall include the
7 vestibule, restrooms, bill room, lounge, visitors'
8 galleries, and floor of the house.

9 The floor of the house shall consist of the
10 area between the north and south walls, including
11 the representatives' desks, the press box, and the
12 speaker's station, but excluding the visitors'
13 galleries.

14 During a legislative day while the house is in
15 order, no member of the general assembly or legislative
16 employee or intern shall be admitted to the floor of
17 the house if attired in jeans of any color without
18 leave of the speaker.

19 During a legislative day while the house is in
20 order, and one-half hour before the house convenes and
21 one-half hour after the house recesses or adjourns,
22 no person shall be admitted to the floor of the house
23 except:

24 1. Members of the general assembly and authorized
25 legislative employees in the performance of their
26 duties.

27 2. Former members of the general assembly who are
28 not registered lobbyists.

29 3. A general assembly member's family.

30 4. Representatives of the press, radio, and

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1 television who shall go directly to and from the press
2 box.

3 5. Legislative interns registered with the chief
4 clerk who shall go directly to and from the seat of
5 their assigned representative or to be seated in the
6 perimeter seating area.

7 6. Designated representatives of a political party
8 having members serving in the house.

9 7. Members of the state executive council, the
10 lieutenant governor, the attorney general, the
11 governor's executive assistants and administrative
12 assistants, and the administrative rules coordinator,
13 all of whom shall be confined to the perimeter area.

14 The current status of former members of the general
15 assembly shall govern their access to the floor under
16 these rules.

17 No other persons shall be allowed on the house floor
18 while the house is in order without permission of the
19 presiding officer of the house. When the house is not
20 in order, guests of a member of the general assembly
21 escorted by that member shall be allowed on the house
22 floor.

23 No person admitted to the floor of the house while
24 the house is in order, except members of the general
25 assembly, shall lobby or attempt to exercise any
26 influence with any member for or against any matter
27 then pending or that may thereafter be considered by
28 the house.

29 A registered lobbyist shall not be admitted to
30 the floor of the house on any legislative day except



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1 for ceremonial purposes or for attendance at public
2 hearings.

3 A lobbyist who represents the position of a state
4 government agency, in which the person serves or is
5 employed as the designated representative for purposes
6 of encouraging the passage or defeat of legislation,
7 shall file with the chief clerk of the house a
8 statement of the general subjects of legislation in
9 which the lobbyist is or may be interested, but shall
10 not lobby for or against a bill, resolution, or study
11 bill unless the lobbyist does so with the written
12 authorization and on behalf of a statewide elected
13 or retained official. The official's writing may
14 authorize the lobbyist to register and lobby for or
15 against any or all bills in which the lobbyist is
16 or may be interested or may restrict the lobbyist
17 to register and lobby for or against only some bills
18 in which the lobbyist is or may be interested. The
19 written authorizations shall be filed with the chief
20 clerk, according to a procedure established by the
21 clerk for the filing of the authorizations and for
22 making them available to the public, by the following
23 statewide elected or retained official for the
24 following offices, departments, agencies, and branch:
25 By the attorney general, auditor of state, secretary
26 of state, and treasurer of state, for their respective
27 offices.
28 By the secretary of agriculture, for the department
29 of agriculture and land stewardship.
30 By the chairperson of the ethics and campaign

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1 disclosure board, for the executive director, legal
2 counsel, and other employees of the board.

3 By the governor, for all other executive branch
4 offices and departments.

5 By the chief justice of the supreme court, for the
6 judicial branch.

7 Each member, employee of the house, and registered
8 lobbyist may report violations of this rule immediately
9 to the sergeant-at-arms or the chief clerk.

10 Any person for cause may be summarily dismissed
11 from the chamber of the house, by action of the house,
12 and may forfeit that person's right to admission
13 thereafter.

14 Rule 20A

15 Legislative Interns

16 A member may appoint one or more interns who shall
17 register with the chief clerk. Only one legislative
18 intern per member of the house is allowed on the floor
19 of the house at any one time.

20 Rule 21

21 Distribution of Literature and Other Items

22 No person except a member or employee of the house
23 of representatives shall distribute or cause to be
24 distributed any pamphlets, material, or other printed
25 literature, or any other items to the members' desks
26 in the house without authorization. An employee
27 of the house shall generally distribute or cause
28 to be distributed such literature or items only on
29 behalf of the employee's office or staff. Items which
30 are permissible gifts under chapter 68B of the Code



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1 may be distributed to the members' desks with the
2 authorization of the chief clerk.

3 All copies of pamphlets, material, or printed
4 literature distributed by a member or employee of the
5 house of representatives shall bear the name of the
6 member or employee's office or staff.

7 Other distributions of pamphlets, material, or
8 other printed literature shall bear their source of
9 origin and be distributed through the legislative
10 post office or to the members' desks by completing
11 a form containing a member's or the chief clerk's
12 authorization, with the authorization form filed with
13 the chief clerk. The authorization form shall be
14 retained for a reasonable time period by the chief
15 clerk.

16 Rule 22

17 Distribution of Materials Printed by the State

18 A member of the house shall not distribute maps,
19 books, and pamphlets which have been printed by the
20 state of Iowa and upon which the name of the member
21 of the house has been affixed unless the member has
22 purchased the materials or unless the member has
23 affixed the words "Paid for by the citizens of Iowa and
24 distributed by representative (member's name)."

25 DIVISION IV — FORMS AND PROCEDURES FOR BILLS AND OTHER

26 DOCUMENTS

27 Rule 23

28 Documents Signed by the Speaker

29 All acts and joint resolutions shall be signed by
30 the speaker, and all writs, warrants, and subpoenas

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1 issued by order of the house, shall be signed by the
2 speaker and attested by the chief clerk. The speaker
3 shall cause certificates of recognition or condolence
4 to be issued by the house which shall be signed by
5 the speaker and the chief clerk. The chief clerk
6 shall maintain a list of certificates issued including
7 the name of the requesting member of the house, the
8 name of the recipient, the reason for recognition or
9 condolence, and the date of issuance.

10 Rule 24

11 Presentation of Petitions

12 All petitions, memorials, and other papers addressed
13 to the house shall be signed by the member and filed
14 with the chief clerk. The receipt of petitions shall
15 be noted in the journal and such petitions shall be
16 available in the office of the chief clerk.

17 Rule 25

18 Consideration of Simple and Concurrent Resolutions

19 Action on a simple or concurrent resolution, except
20 a memorial resolution, shall not be taken until one day
21 after the resolution has been placed on the members'
22 desks. After the resolution is adopted, the chief
23 clerk shall have the resolution printed in the compiled
24 journal and shall transmit certified copies of the
25 resolution as directed.

26 Rule 26

27 Unanimous Consent Calendar

28 The speaker may, upon the request of three members,
29 place on a unanimous consent calendar any house
30 resolution or concurrent resolution which does not



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1 contain an appropriation and which has been laid over
2 under Rule 25.

3 If such resolution is placed on the unanimous
4 consent calendar, it may be removed only upon a written
5 request submitted to the speaker by a member of the
6 house.

7 If not removed after five legislative days, the
8 chief clerk shall call up the resolution and without
9 debate the speaker shall pronounce that it has passed
10 by unanimous consent.

11 If the resolution is removed from the unanimous
12 consent calendar, the speaker may again lay the
13 resolution over under Rule 25, place it on a different
14 calendar, or refer the resolution to any of the
15 standing committees of the house.

16 Rule 26A

17 Senate Bills and Resolutions

18 A senate bill or resolution may be referred to a
19 standing committee or passed on file.

20 Rule 27

21 Forms of Bills and Joint Resolutions

22 Every house bill shall be introduced by one or more
23 members or by any standing or specially authorized
24 committee of the house or the administrative rules
25 review committee. All bills and joint resolutions
26 introduced shall be prepared by the legislative
27 services agency with title, enacting clause, text
28 and explanation as directed by the chief clerk of the
29 house. One copy of each bill shall be presented in a
30 bill cover with the number of copies of the bill and



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1 the title as directed by the chief clerk.

2 Rule 28

3 Joint and Nullification Resolutions

4 Joint resolutions shall be framed and treated as
5 bills.

6 A "nullification resolution" is a joint resolution
7 which nullifies all of an administrative rule, or
8 a severable item of an administrative rule adopted
9 pursuant to chapter 17A of the Code. A nullification
10 resolution shall not amend an administrative rule by
11 adding language or by inserting new language in lieu of
12 existing language.

13 A nullification resolution may be introduced by an
14 individual, a standing committee or the administrative
15 rules review committee, and may be referred to a
16 standing committee. A nullification resolution is
17 debatable, but cannot be amended on the floor of the
18 house.

19 Rule 29

20 Time of Introduction of Bills

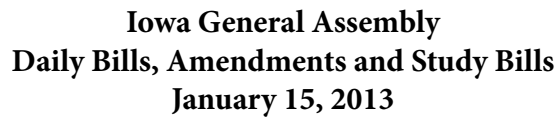
21 No bill or joint resolution under individual
22 sponsorship, other than a nullification resolution,
23 shall be read for the first time after 4:30 p.m. on
24 Friday of the fifth week of the first regular session
25 of the general assembly unless a formal request for
26 drafting the bill has been filed with the legislative
27 services agency before that time.

28 After adjournment of the first regular session,
29 bills may be prefiled at any time before the convening
30 of the second regular session. No bill or joint

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1 resolution under individual sponsorship, other than a
2 nullification resolution, shall be read for the first
3 time after 4:30 p.m. on Friday of the second week of
4 the second regular session of the general assembly
5 unless a formal request for drafting the bill has been
6 filed with the legislative services agency before that
7 time.

17 Rule 30

19 All bills and resolutions to be introduced in the
20 house shall be prepared in proper form and filed
21 with the chief clerk no later than 4:30 p.m. on the
22 legislative day preceding its introduction.

26 A "reading of a bill" as required by these rules
27 shall consist of a reading of the title and enacting
28 clause.

30 First Reading, Commitment, and Amendment



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1 1. A bill is introduced into the house by an
2 initial or "first reading of the bill".

3 2. When the house is in session the first reading
4 shall consist of a "reading" as provided in Rule 30.

5 3. Upon a first reading of the bill, the speaker
6 shall state that it is ready for commitment or
7 amendment; and the speaker shall commit it to the
8 standing or select committee, or to a committee of the
9 whole house. If to a committee of the whole house, the
10 house shall determine on what day.

11 4. On a nonlegislative day the speaker may cause a
12 statement, which shall consist of the title, enacting
13 clause, bill number and committee to which the bill
14 is referred, to be published in the house journal.
15 This publication shall constitute a first reading and
16 commitment and shall contain the notation "read and
17 committed under Rule 31".

18 5. All amendments offered to bills and resolutions
19 shall be accompanied by such copies as the chief clerk
20 shall direct.

21 6. Such amendments shall give the number of
22 the bill sought to amend and the chief clerk shall
23 designate each such amendment thus: Amendment to
24 House File _____, or Senate File _____, by
25 _____.

26 7. A bill reported out by committee shall go to the
27 speaker who shall direct that the bill be placed on the
28 regular calendar unless it covers subject matter more
29 properly within the jurisdiction of some other standing
30 committee, in which case the speaker shall refer the

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1 bill to the proper standing committee. In order to
2 expedite important business and set a definite time for
3 the bill's consideration, the speaker may direct the
4 bill to be placed on the special order calendar.
5 8. No amendment to the rules of the house, to any
6 resolution or bill, except technical amendments and
7 amendments to bills substituted for by senate files
8 containing substantially identical title, language,
9 subject matter, purpose and intrasectional arrangement,
10 shall be considered by the membership of the house
11 without a copy of the amendment having been filed with
12 the chief clerk by 4:00 p.m. or within one-half hour of
13 adjournment, whichever is later, on the day preceding
14 floor debate on the amendment. If the house adjourns
15 prior to 2:00 p.m. on Friday, the final deadline is two
16 hours after adjournment. However, committee amendments
17 filed pursuant to the submission of the committee
18 report may be accepted after this deadline. This
19 provision shall not apply to any proposal debated on
20 the floor of the house after the thirteenth week of
21 the first session and the twelfth week of the second
22 session. No amendment or amendment to an amendment
23 to a bill, rule of the house, or resolution shall be
24 considered by the membership of the house without
25 a copy of the amendment being on the desks of the
26 entire membership of the house prior to consideration.
27 However, the membership of the house may consider an
28 amendment or an amendment to an amendment to a bill,
29 rule of the house, or resolution without a copy of the
30 amendment being on the desks of the entire membership

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1 of the house prior to consideration if a copy of the
2 amendment is made available to the entire membership of
3 the house electronically.

4 Rule 32

5 Commitment of Appropriation and Revenue Bills

6 All bills to appropriate money shall be referred to
7 the appropriations committee, and all bills pertaining
8 to the levy, assessment, or collection of taxes or fees
9 shall be referred to the committee on ways and means.

10 Rule 33

11 Regular Calendar

12 Bills, nullification resolutions, and joint
13 resolutions reported out for passage, amendment and
14 passage, or without recommendation by a committee,
15 or passed on file shall be arranged on a regular
16 calendar by the chief clerk each day and electronically
17 distributed to the members at the opening of each
18 legislative day. The regular calendar shall include
19 a list of bills, nullification resolutions, and joint
20 resolutions which have been special ordered, including
21 the date upon which debate is scheduled to begin
22 on each of them, which shall be no sooner than five
23 session days from the first date of publication on the
24 regular calendar.

25 Rule 34

26 Daily Debate Calendar

27 The majority floor leadership shall cause to
28 be prepared and distributed to the members at the
29 opening of each legislative day when floor action is
30 scheduled, a daily debate calendar consisting of bills,



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1 nullification resolutions, and joint resolutions from
2 the regular calendar setting forth the number and
3 title of bills, nullification resolutions, and joint
4 resolutions for the next legislative day that floor
5 action is scheduled.

6 This rule does not apply to bills which have passed
7 both houses in different forms, reconsiderations, or
8 veto reconsiderations.

9 Rule 35

10 Substitution of Bills

11 A senate bill or resolution may be substituted
12 for an identical house bill or resolution which has
13 been called up for debate. An amendment to a senate
14 bill or resolution which has been substituted for an
15 identical house bill or resolution is out of order if
16 an identical amendment to the house bill or resolution
17 was considered.

18 Rule 36

19 Consideration of Committee Amendments

20 After a bill has been referred and reported back,
21 it shall be considered on its first reading after the
22 amendments of the committee have been read.

23 Rule 37

24 Amendments to Special Order Bills

25 All amendments to bills which have been special
26 ordered shall be filed at least three session days
27 prior to the date set for debate. Amendments to an
28 amendment shall be filed at least two session days
29 prior to the date set for debate. However, corrective
30 amendments and amendments sponsored by either the

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1 majority floor leader or the minority floor leader may
2 be filed at any time. Rule 31, subsection 8, shall not
3 apply to these amendments.

4 A corrective amendment is an amendment which does
5 not substantively change the amendment or the bill.

6 Rule 38

7 Germane Amendments

8 An amendment must be germane to the subject matter
9 of the bill it seeks to amend. An amendment to an
10 amendment must be germane to both the amendment and the
11 bill it seeks to amend. When a member objects to an
12 amendment on grounds that the amendment is not germane,
13 the speaker may invite members, who shall include the
14 majority and minority leaders, to the speaker's station
15 to discuss the objection.

16 Rule 39

17 Consideration of Bills

18 Bills, including committee bills, joint resolutions,
19 and nullification resolutions, reported out for
20 passage, for amendment and passage, or without
21 recommendation by the committee, are first eligible to
22 be acted upon beginning the third legislative day they
23 appear on the regular calendar.

24 Committee reports shall be printed in the journal
25 immediately after they are filed with the chief clerk.
26 Reports recommending bills, joint resolutions, and
27 nullification resolutions for passage, for amendment
28 and passage, or without recommendation shall stand
29 approved unless written objections are filed during
30 the first legislative day following their printing in



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1 the journal. If objections are filed, they shall be
2 disposed of as soon as possible.

3 Rule 40

4 Consideration of Bills Upon Last Reading

5 No amendment, unless by way of correcting an error
6 or omission, shall be received to any bill on its last
7 reading, and no debate shall be allowed on it.

8 Rule 41

9 Printing of Bills and Joint Resolutions

10 Bills and joint resolutions shall be printed in form
11 as provided by law and by rule. Each house may direct
12 the printing of an additional number of its own bills.

13 Legalizing bills of a local or private nature shall
14 be printed in bill form and placed in the files of the
15 members, the same as other bills, in the order of their
16 introduction. The cost of printing shall be deposited
17 with the treasurer of state in advance at a rate to be
18 fixed, and the newspaper publication of the bill shall
19 be without cost to the state. No legalizing act may
20 be introduced until all provisions of law have been
21 complied with.

22 Rule 42

23 Certification and Engrossment of Bills

24 The chief clerk shall certify the passage of each
25 bill and note the date of its passage.

26 In engrossing a bill, the chief clerk shall
27 correct all obvious typographical, spelling, or other
28 clerical errors and change section subunit numbers
29 and letters and internal references as required to
30 conform the original bill to any amendments which have

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1 been adopted. The chief clerk shall report all such
2 corrections or changes in the journal. The engrossed
3 bill shall be placed in the bill file with the original
4 bill and amendments.

5 Rule 43

6 Rereferral

7 A bill may be rereferred by the speaker or, upon
8 motion, by the house at any time before its passage and
9 after the report of its referral to committee.

10 Rule 44

11 Effect of Indefinite Postponement

12 When a question is indefinitely postponed, it shall
13 not be acted upon again during that session.

14 Rule 45

15 Status of Bills Following First Regular Session

16 Except for those bills which have been adopted by
17 both houses in different forms, all bills which have
18 not been withdrawn, defeated or indefinitely postponed,
19 shall be rereferred to committee upon adjournment of
20 the first regular session. Within seven days after
21 the first committee meeting following convening of
22 the second regular session, the committee chair shall
23 submit the bill to the full committee for action or the
24 chair shall reassign the bill to a subcommittee.

25 DIVISION V — COMMITTEE PROCEDURES

26 Rule 46

27 Appointment of Committees

28 All committees shall be appointed by the speaker,
29 unless otherwise especially directed by the house.
30 Minority party members of a committee shall be



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1 appointed by the speaker upon recommendation of the
2 minority leader.

3 Rule 47

4 Reserved

5 Rule 48

6 Study Bills

7 A study bill is any matter which a member of
8 the house wishes to have considered by a standing
9 committee, other than appropriations, without being
10 introduced in the house by a first reading. A
11 study bill shall be prepared in proper form by the
12 legislative services agency prior to submission.

13 Upon taking possession of a study bill, the
14 committee chair shall notify the speaker and then
15 submit four copies of the bill to the legal counsel's
16 office for numbering.

17 A study bill shall bear the name of the member who
18 wishes to have the bill considered. A study bill
19 submitted by a state agency or board for consideration
20 shall bear the name of the state agency or board. A
21 committee chair may submit a study bill in the name of
22 that committee.

23 Final committee action on a study bill shall not be
24 taken until one day following the notation of the study
25 bill assignment in the house journal.

26 Rule 49

27 Committee Meetings

28 No committee, except a conference committee or the
29 administrative rules review committee, shall meet
30 while the house is in session without special leave.

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1 Committees with overlapping memberships shall not meet
2 at the same time without special leave.

3 Rule 50

4 Smoking Prohibited

5 Smoking shall not be permitted in the house or in
6 any area of the capitol building.

7 Rule 51

8 Assignments to Subcommittee

9 The chair of the committee shall report to the house
10 the bill number of each bill assigned to subcommittee
11 and the names of the subcommittee members. The report
12 shall be printed in the journal.

13 All bills, prior to consideration by the committee,
14 shall be referred by the chair to a subcommittee,
15 unless acted upon by a committee of the whole.

16 The chair may assign bills to subcommittees without
17 a meeting of the committee, but the membership of the
18 subcommittee so appointed shall be reported at the next
19 meeting of the committee.

20 Rule 52

21 Open Meetings

22 Standing committee meetings shall be open, and
23 voting by secret ballot is prohibited. The committee
24 on administration and rules may close its meetings to
25 evaluate the professional competency of an individual.

26 Rule 53

27 Quorum and Vote Requirements

28 The committee roll shall be taken at the convening
29 of each meeting to determine the presence of a quorum.
30 A majority of the committee membership shall constitute

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1 a quorum.

2 An affirmative vote of a majority of the committee
3 membership is required to report a bill out of
4 committee or to suspend a committee rule.

5 A motion to reconsider may be made only by a
6 committee member who voted on the prevailing side of
7 the question sought to be reconsidered. A motion to
8 reconsider may only be made prior to the adjournment of
9 the committee meeting at which the bill was reported
10 out.

11 If a member, who is in the committee room when a
12 question to report a bill out of committee is put, has
13 not asked to be excused prior to commencing to take
14 the vote on the question, the member shall vote aye
15 or nay unless the committee has excused the member for
16 special reasons. However, a member may pass on the
17 first taking of the roll call on the question but shall
18 vote aye or nay when the member's name is called for a
19 second time.

20 Rule 54

21 Committee Attendance Record and Report of Committee
22 Form

23 1. A committee attendance record shall be filed
24 with the chief clerk no later than 10:00 a.m. or two
25 hours after the house convenes, whichever is later,
26 of the legislative day immediately following the day
27 of the committee meeting. The committee attendance
28 record is a public record and may be published in the
29 journal. The committee attendance record shall include
30 the following information:

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- 1 a. The time the meeting convened.
- 2 b. The members present at the meeting.
- 3 c. The time the meeting adjourned.
- 4 d. A list of bills receiving final committee
- 5 disposition.

6 2. A report of committee form shall be filed with
7 the chief clerk no later than 10:00 a.m. or two hours
8 after the house convenes, whichever is later, of the
9 legislative day immediately following the day of the
10 committee meeting for each study bill, numbered bill
11 or resolution receiving final committee disposition.
12 The report of committee form is a public record and
13 a report of committee action shall be printed in the
14 journal. The report of committee form shall include
15 the following information:

- 16 a. The committee action taken.
- 17 b. The committee amendment number, if any.
- 18 c. The roll call vote of the committee on final
- 19 disposition.
- 20 d. The minority recommendation, if any.

21 3. Upon final adjournment of the first session
22 and final adjournment of the second session of the
23 general assembly, the chair of each committee shall
24 have placed the committee's book of record containing
25 minutes, record roll calls on final disposition, record
26 roll call votes on any amendments considered, rules,
27 etc., with the chief clerk for access of any interested
28 person.

29 Rule 55

30 Minority Recommendation

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1 The minority of the members of a committee may
2 present its recommendations on the final disposition
3 of a bill to the house by attaching its recommendation
4 to the committee report. The minority recommendation
5 shall be noted in the journal along with the committee
6 report.

7 Rule 56

8 Committee Amendment

9 Whenever a committee amendment is proposed which
10 would amend another committee amendment, the amendment
11 shall be drafted in the form of a substitute amendment
12 and shall be considered as such.

13 Rule 57

14 Committee Notice and Agenda

15 Each committee shall prepare and publish a notice
16 and agenda of each committee meeting at least one
17 legislative day prior to the meeting. The notice and
18 agenda may be placed on the desks of or transmitted
19 electronically to committee members.

20 The notice shall contain the committee name, the
21 date, time, and location of the meeting.

22 The agenda shall contain the matters to be
23 discussed, including a list of bills, joint
24 resolutions, nullification resolutions, and study
25 bills by number. The agenda should contain the names
26 of individuals who are scheduled to appear before the
27 committee and the organization which they represent.

28 A bill, joint resolution, nullification resolution,
29 or study bill shall not be reported out of committee if
30 the bill was not included in the published notice and

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1 agenda unless this rule is suspended by a majority of
2 the total membership of the committee.

3 A committee chair may call a meeting without
4 providing the required notice and agenda upon leave
5 of the house if a notice is either electronically
6 transmitted to committee members or placed on the desks
7 of committee members.

8 Rule 58

9 Clearing of Committee Room

10 The chair of a committee may clear the committee
11 room in case of any disturbance or disorderly conduct.

12 Rule 58A

13 Use of Telephonic or Electronic Devices in Committee

14 Rooms Restricted

15 1. In any committee room while a standing committee
16 is in session:

17 a. A person shall mute any cell phone, computer, or
18 other electronic device under the person's control.

19 b. A person shall not use a cell phone or other
20 electronic device to audibly transmit or receive
21 communications.

22 2. The chair or acting chair of a standing
23 committee may clear the committee room of any person
24 acting in violation of this rule.

25 Rule 59

26 Committee Amendments

27 All amendments to a bill or resolution adopted in
28 committee shall be incorporated in a single committee
29 amendment or incorporated in a new committee bill.

30 Rule 60



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1 Withdrawal of Bills, Joint Resolutions, or
2 Nullification Resolutions From Committee
3 A bill, joint resolution, or nullification
4 resolution which has been in committee for eighteen
5 legislative days following notation of such referral
6 in the journal may be withdrawn from the committee and
7 placed on the calendar by an affirmative vote of not
8 less than fifty-one members of the house.

9 Rule 61

10 Committee Public Hearings

11 The chair of a committee may call a public hearing
12 for the purpose of receiving public comment on any
13 matter within the purview of the committee.

14 The chair shall call a public hearing upon the
15 written request of committee members according to
16 committee rules, but no more than one-third of the
17 committee members shall be required.

18 A public hearing shall not be called or requested
19 after final action on the bill, joint resolution,
20 or nullification resolution has been taken by the
21 committee. However, a public hearing called or
22 requested before final action has been taken by the
23 committee may be held after final action on the bill,
24 joint resolution, or nullification resolution has been
25 taken by the committee.

26 The chair shall designate a time and place for a
27 public hearing and provide public notice at least five
28 days prior to a public hearing.

29 A bill, joint resolution, or nullification
30 resolution for which a public hearing has been called

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1 can be voted to the calendar but cannot be debated
2 until after the public hearing has been held. If a
3 bill, joint resolution, or nullification resolution
4 for which a public hearing has been called is not
5 debated by the house during the session in which it
6 is introduced, the request for the public hearing is
7 deemed to have lapsed upon adjournment sine die of that
8 session.

9 However, public hearings which have been requested
10 during or after the 9th week of the first session and
11 during or after the 7th week of the second session must
12 be held within four legislative days of the date of the
13 request.

14 Rule 62

15 Limitation on Filing of Claims

16 All claims shall be referred to the appropriations
17 committee. A claim referred to the appropriations
18 committee in a prior session of the general assembly
19 shall not be considered by the appropriations
20 committee or by the house unless it has been
21 specifically referred to this session by a vote of the
22 appropriations committee. The appropriations committee
23 is authorized to set a definite date each session after
24 which it will not receive claims or claim bills for
25 consideration.

26 DIVISION VI — COMMITTEE OF THE WHOLE

27 Rule 63

28 Organization of Committee of the Whole

29 In forming the committee of the whole house, the
30 speaker shall appoint a member to preside in committee

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1 and then leave the chair.

2 Rule 64

3 Rules in Committee of the Whole

4 The rules of the house shall be observed in
5 committee of the whole house, so far as they are
6 applicable.

7 Rule 65

8 Bills in Committee of the Whole

9 Bills committed to the committee of the whole house
10 shall first be debated by section. After the report
11 of the committee of the whole, the bill shall again be
12 subject to debate and amendment before a vote is had on
13 its last reading and passage.

14 Rule 66

15 Amendments by Committee of the Whole

16 All amendments made to a report committed to a
17 committee of the whole house shall be noted and
18 reported as in the case of bills.

19 DIVISION VII — MOTIONS

20 Rule 67

21 Order and Precedence of Motions

22 The following order of motions, listed in order
23 of precedence, shall govern when a question is under
24 debate:

- 25 1. Adjourn.
- 26 2. Recess.
- 27 3. Questions of privilege.
- 28 4. Lay on the table.
- 29 5. Previous question.
- 30 6. Limit debate.



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1 7. Postpone definitely or to a certain time.

2 8. Refer or rerefer.

3 9. Defer.

4 10. Amend an amendment.

5 11. Amend.

6 12. Postpone indefinitely.

7 A motion to postpone definitely or to a certain
8 time, to refer or commit, or to postpone indefinitely a
9 particular question shall not be considered more than
10 once on the same day.

11 Adoption of a motion to strike the enacting words is
12 equivalent to rejection of the question.

13 Rule 68

14 Order of Consideration of Amendments

15 Amendments shall be considered by earliest position
16 in the bill. Amendments to the same place in the bill
17 shall be considered by the lowest amendment number. An
18 amendment which inserts language after a line and an
19 amendment which inserts language before the succeeding
20 line shall be considered amendments to the same place
21 in the bill.

22 However, an amendment to strike the enacting clause
23 shall always be considered first. An amendment filed
24 by a committee shall have the next highest order of
25 priority, followed by an amendment to strike everything
26 after the enacting clause and insert new language. An
27 amendment to strike language or to strike and insert
28 new language, except an amendment to strike everything
29 after the enacting clause and insert new language,
30 shall not be considered before amendments to perfect

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1 all or part of the same portion of the bill.

2 Rule 69

3 Motions Not Debatable

4 The following motions are not debatable:

5 1. Adjourn.

6 2. Adjourn to a certain time.

7 3. Suspend house rules.

8 4. Previous question.

9 5. Close debate at a certain time.

10 6. Recess.

11 7. Defer.

12 8. Refer or rerefer.

13 9. Lay on the table.

14 10. Take from the table.

15 11. Call of the house.

16 12. Withdraw a bill or resolution from committee.

17 13. Appeal a decision of the chair.

18 14. Immediately message a bill or resolution.

19 Rule 69A

20 Constitutional Majority

21 1. The following motions require a constitutional
22 majority for approval:

23 a. Final passage of a bill, joint resolution, or
24 nullification resolution.

25 b. Lay on the table.

26 c. Take from the table.

27 d. Suspend house rules.

28 e. Previous question.

29 f. Withdraw a bill or resolution from committee.

30 g. Reconsider a bill, joint resolution, or

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1 nullification resolution.

2 h. Immediately message a bill or resolution.

3 2. A division must be taken on any motion which
4 requires a constitutional majority.

5 Rule 70

6 Motion to Adjourn

7 A motion to adjourn shall always be in order, except
8 when a member is speaking or the house is voting.

9 Rule 71

10 Withdrawal of Motions

11 After a motion is stated by the speaker or read by
12 the chief clerk, it shall be deemed to be in possession
13 of the house, but may be withdrawn by leave of the
14 house.

15 Rule 72

16 Unanimous Consent

17 Unanimous consent of the members may be asked for
18 suspension of any rule of the house. If there is no
19 objection to the request, the rule shall be considered
20 suspended.

21 Rule 73

22 Reconsideration

23 1. A motion to reconsider may be made only by a
24 member who voted on the prevailing side of the question
25 sought to be reconsidered.

26 2. A motion to reconsider may be made not later
27 than adjournment on the legislative day following
28 the legislative day of the action sought to be
29 reconsidered. Where the floor manager voted on
30 the prevailing side, the floor manager has the



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1 prior right to make the motion, until adjournment
2 on the legislative day of the action sought to be
3 reconsidered. A motion to reconsider a nullification
4 resolution shall be acted upon not later than
5 adjournment on the legislative day following
6 the legislative day of the action sought to be
7 reconsidered.

8 3. A motion to reconsider made beginning the
9 fifteenth week of the first regular session, or the
10 thirteenth week of the second regular session, may be
11 taken up when made. A motion made at any other time
12 may be taken up prior to the third legislative day
13 succeeding the legislative day of the action sought
14 to be reconsidered only if called up by the mover,
15 and after the second legislative day succeeding the
16 legislative day of the action sought to be reconsidered
17 if called up by any member.

18 4. The making of a motion to reconsider takes
19 precedence over all other questions.

20 5. When passage, adoption, or failure of any bill,
21 joint resolution, or nullification resolution is
22 reconsidered, questions on amendments may also be
23 reconsidered and shall be disposed of immediately.

24 6. In the event that a motion to reconsider
25 is pending at the end of the first session or any
26 extraordinary session of any general assembly, or the
27 general assembly adjourns sine die, and the motion to
28 reconsider has not been voted upon by the house, the
29 motion shall be determined to have failed.

30 DIVISION VIII — VOTING



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1 Rule 74

2 Manner of Voting

3 Members present may cast their votes, either by
4 operating the voting mechanism located at their
5 assigned desk or by signaling the speaker from the
6 floor of the house or from the south visitors' gallery
7 if they are unable to vote at their assigned desk.
8 Only a member may operate the voting mechanism at that
9 member's assigned desk. The speaker shall announce the
10 votes of members signaling their votes. Upon direction
11 of the speaker only those members at their desks and
12 voting shall be counted. Members who are not present
13 shall not cast their votes except:

14 1. Members who have not voted may record their
15 votes on any record roll call vote except quorum
16 calls within ten minutes after the outcome of the
17 vote has been announced. Members shall initial their
18 recorded votes on a copy of the record roll call at the
19 speaker's station. However, if the aggregate of votes
20 cast under this rule would change the outcome of the
21 vote on a question, then none of the votes cast on the
22 question under this rule shall be recorded. A member
23 may request announcement of the names of members so
24 recorded after the ten-minute period.

25 2. Members meeting in a conference committee
26 or in administrative rules review committee at the
27 time a vote is taken on a question may have their
28 vote recorded within thirty minutes or adjournment,
29 whichever is first, of that same legislative day,
30 provided the aggregate of votes cast does not change

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1 the outcome of the vote on a question.

2 Rule 75

3 Voting in the House and Duty of Voting

4 Voting on a question put to members on the floor of
5 the house shall not occur between midnight and 8 a.m.
6 on any legislative day except for voting on a motion to
7 recess, defer, or adjourn. Except as limited in Rule
8 76, every member who is in the house when a question is
9 put shall vote unless the house has excused that member
10 from voting for special reasons; however, such member
11 must have asked to be excused from voting prior to the
12 time the speaker puts the question.

13 Rule 76

14 Limitation on Right to Vote

15 No member shall vote on any question in which
16 the member or the member's immediate family member,
17 as defined in chapter 68B of the Code, has a direct
18 financial interest different from other similarly
19 situated persons or classes of persons of the general
20 public.

21 Rule 77

22 Call of the House

23 Upon written request of five members, the presiding
24 officer shall compel attendance of absent and unexcused
25 members for the consideration of specified bills,
26 resolutions, or amendments.

27 A call of the house shall specify the propositions
28 to which it is to apply and must be put into effect
29 before roll call is taken on the proposition. The
30 request may be filed with the chief clerk at any time



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1 before final action upon the propositions, who shall
2 notify the house immediately.

3 Rule 78

4 Method of Calling the House

5 Upon a call of the house, the names of the members
6 shall be called by the chief clerk and the absentees
7 noted, after which the names of the absentees shall
8 again be called. The sergeant-at-arms shall be
9 directed by the speaker to compel the attendance of
10 absent members, unless they are previously excused.
11 Any member occupying the member's seat during a call
12 of the house shall be counted by the speaker and that
13 person's name entered in the journal as being present
14 for the purpose of making a quorum.

15 Rule 79

16 Method of Calling the Roll

17 The electrical voting machine shall be used for a
18 call of the house, a quorum call or a roll call vote
19 on any question. If the electrical voting machine is
20 not in operating order when it is necessary to take
21 a record roll call vote, the presiding officer shall
22 order the vote to be taken by calling the roll in
23 alphabetical order, except the name of the presiding
24 officer shall be called last.

25 During the casting of the vote with the voting
26 machine, the individual votes and the vote totals shall
27 be shown on the display boards. Before the voting
28 machine is closed, the presiding officer shall inquire
29 of the house, "Have you all voted?"

30 Rule 80



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1 Quorum and Record Roll Call Votes

2 A majority of the members shall constitute a quorum.

3 A record roll call vote shall be ordered upon
4 request of any two members. The names of the members
5 requesting the record roll call shall be entered in the
6 journal.

7 Rule 81

8 Previous Question

9 When a member moves for the previous question, the
10 member shall state whether the motion will apply to the
11 main question, to all the amendments, or to particular
12 amendments. The motion requires an affirmative vote of
13 at least a constitutional majority of the members. If
14 the motion for a previous question is not adopted, the
15 house shall proceed in the same manner as before the
16 motion was made.

17 If the motion is adopted, all debate must end and
18 the house will vote upon the question except:

19 1. If the motion applies to the main question, the
20 member in charge of the measure will have ten minutes
21 to speak for the purpose of closing discussion before
22 the vote on the measure is taken.

23 2. If the motion applies to an amendment, the
24 member proposing the amendment will have five minutes
25 to speak for the purpose of closing discussion before
26 the vote on the amendment is taken.

27 3. If a member has filed a written request with
28 the chief clerk of the house indicating the member's
29 desire to speak on a particular question. The request
30 must be filed before the motion is made by the movant.

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1 The request allows a member to speak on a particular
2 question before the closing discussion by the member
3 who is in charge of the measure or who is proposing the
4 amendment.

5 Rule 82

6 Division of the Question

7 Any member may call for a division of the question,
8 which shall be divided if it comprehends questions so
9 distinct that one being taken away, the remainder may
10 stand separately for discussion by the house. Upon
11 request to divide an amendment, the chief clerk shall
12 restate the division and note the divided amendment in
13 the house journal. An amendment to strike out being
14 lost shall not preclude an amendment to strike out and
15 insert. An amendment to strike out and insert shall be
16 deemed indivisible.

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House Study Bill 3 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to the practice of interventional pain
2 procedures, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 148.15 **Interventional pain**
2 **procedures.**

3 1. A person shall not practice or offer to practice
4 interventional pain procedures unless such person meets all of
5 the following requirements:

6 a. The person is a physician licensed under this chapter.

7 b. The person has completed medical training in an
8 allopathic or osteopathic medical college.

9 c. The person has completed postgraduate medical training
10 with formal education in the medical practice of interventional
11 pain procedures which has been approved by the board.

12 2. For the purposes of this section, "*interventional pain*
13 *procedures*" means any of the following procedures used in
14 the course of diagnosing or treating pain which is chronic,
15 persistent, and intractable, or which occurs outside of a
16 surgical, obstetrical, or postoperative course of care:

17 a. Ablation of targeted nerves.

18 b. Percutaneous precision needle placement within the spinal
19 column with placement of drugs, such as local anesthetics,
20 steroids, and analgesics, under fluoroscopic guidance.

21 c. Laser or endoscopic discectomy, or the surgical placement
22 of intrathecal infusion pumps or spinal cord stimulators.

23 3. Nothing in this section shall be construed to prohibit
24 or restrict the performance of surgical or obstetrical
25 anesthesia services or postoperative pain control by an
26 advanced registered nurse practitioner licensed in the state
27 and holding a specialty, as determined by the board of nursing,
28 as a certified registered nurse anesthetist.

29 4. Notwithstanding subsection 1, a podiatrist licensed
30 under chapter 149 or a dentist licensed under chapter 153 may
31 perform interventional pain procedures within the scope of
32 the person's license in accordance with standards of care as
33 determined by the respective licensing boards.

34 5. A person who violates this section is guilty of a serious
35 misdemeanor as provided in section 147.86 and is subject to the

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1 injunction, punishment, and enforcement provisions set forth
2 in chapter 147.

3 6. The board may adopt rules to implement the provisions of
4 this section.

5 EXPLANATION

6 This bill establishes requirements for a person who
7 practices certain chronic interventional pain procedures. The
8 bill lists the chronic interventional pain procedures. The
9 bill provides that in order to perform the listed procedures a
10 person must be a licensed physician who has completed medical
11 training in an allopathic or osteopathic medical college
12 and has completed postgraduate medical training with formal
13 education in the medical practice of interventional pain
14 procedures.

15 The bill exempts certain licensed professionals from the
16 professional requirements in certain circumstances. The bill
17 does not restrict an advanced registered nurse practitioner
18 with a specialty as a certified registered nurse anesthetist
19 from performing surgical or obstetrical anesthesia services or
20 postoperative pain control. The bill also exempts licensed
21 podiatrists and dentists performing procedures within the scope
22 of their license and in accordance with applicable standards
23 of care.

24 The bill provides that the board of medicine shall adopt
25 rules to implement the bill.

26 The bill makes a penalty in Code section 147.86 applicable,
27 making it a serious misdemeanor to violate any of the
28 provisions of the bill.



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House Study Bill 4 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BILL)

A BILL FOR

1 An Act relating to and providing for education reform involving
2 student, teacher, and administrator programs and activities
3 under the purview of the department of education, the state
4 board of education, the college student aid commission,
5 school districts, and accredited nonpublic schools; making
6 appropriations and providing for the establishment and
7 retention of certain fees; and including transition and
8 effective date provisions.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I
2 IOWA ONLINE LEARNING INITIATIVE — FEES AND APPROPRIATIONS
3 Section 1. Section 256.42, Code 2013, is amended by adding
4 the following new subsections:
5 NEW SUBSECTION. 8. The department shall establish fees
6 payable by school districts and accredited nonpublic schools
7 participating in the initiative. Fees collected pursuant
8 to this subsection are appropriated to the department to be
9 used only for the purpose of administering this section and
10 shall be established so as not to exceed the budgeted cost of
11 administering this section to the extent not covered by the
12 moneys appropriated in subsection 9. Providing professional
13 development necessary to prepare teachers to participate in the
14 initiative shall be considered a cost of administering this
15 section. Notwithstanding section 8.33, fees collected by the
16 department that remain unencumbered or unobligated at the close
17 of the fiscal year shall not revert but shall remain available
18 for expenditure for the purpose of expanding coursework offered
19 under the initiative in subsequent fiscal years.
20 NEW SUBSECTION. 9. There is appropriated from the general
21 fund of the state to the department, for the following fiscal
22 years, the following amounts, to be used for administering
23 this section and for not more than three full-time equivalent
24 positions:
25 *a.* For the fiscal year beginning July 1, 2013, and ending
26 June 30, 2014, the sum of one million five hundred thousand
27 dollars.
28 *b.* For the fiscal year beginning July 1, 2014, and ending
29 June 30, 2015, the sum of one million five hundred thousand
30 dollars.
31 *c.* For the fiscal year beginning July 1, 2015, and ending
32 June 30, 2016, the sum of one million five hundred thousand
33 dollars.

34 DIVISION II
35 TRAINING AND EMPLOYMENT OF TEACHERS

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1 Sec. 2. NEW SECTION. 256.95 Teach Iowa marketing and public
2 outreach initiative.

3 Subject to an appropriation of sufficient funds by the
4 general assembly, the department shall develop and implement a
5 teach Iowa marketing and public outreach initiative by January
6 1, 2014. The initiative shall have the following goals:

7 1. To motivate high-performing high school and college
8 students to enter teacher preparation programs and to enter the
9 teaching profession in Iowa upon successful completion of such
10 programs.

11 2. To motivate teacher candidates, especially those in
12 science, technology, engineering, and mathematics fields, to
13 enter teacher preparation programs and to enter the teaching
14 profession in Iowa upon successful completion of such programs.

15 3. To recruit high-caliber teacher candidates to pursue
16 teaching careers in Iowa.

17 4. To encourage teacher candidates to pursue teaching
18 careers in rural Iowa.

19 5. To inform the public of the value of the teaching
20 profession and of the importance of Iowa's education system to
21 the future of Iowa.

22 Sec. 3. NEW SECTION. 256.96 Online state education job
23 posting system.

24 1. The department shall establish an online state
25 education job posting system. The system shall be designed and
26 implemented for the online posting of job openings offered by
27 school districts, charter schools, area education agencies, the
28 department, and accredited nonpublic schools. The system shall
29 be accessible via the department's internet site. The system
30 shall include a mechanism for the electronic submission of job
31 openings for posting on the system as provided in subsection 2.

32 2. A school district, charter school, or area education
33 agency shall submit all of its job openings to the department
34 for posting on the system. The department shall post all of
35 its job openings on the system. An accredited nonpublic school



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1 may submit job openings to the department for posting on the
2 system.

3 3. This section shall not be construed to do any of the
4 following:

5 a. Prohibit any employer from advertising job openings and
6 recruiting employees independently of the system.

7 b. Prohibit any employer from using another method of
8 advertising job openings or another applicant tracking system
9 in addition to the system.

10 c. Provide the department with any regulatory authority in
11 the hiring process or hiring decisions of any employer other
12 than the department.

13 Sec. 4. NEW SECTION. 256.97 Teach Iowa scholar program.

14 1. A teach Iowa scholar program is established within the
15 department to provide teach Iowa scholar grants to selected
16 high-caliber teachers. The department shall administer
17 the program in collaboration with the college student aid
18 commission.

19 2. An applicant shall be eligible for a teach Iowa scholar
20 grant if the applicant meets all of the criteria specified
21 under, or established in accordance with, subsection 3.

22 3. Criteria for eligibility shall be established by the
23 department, and shall include but are not limited to the
24 following:

25 a. The applicant was in the top twenty-five percent
26 academically of students entering a teacher preparation program
27 approved by the state board of education pursuant to section
28 256.7, subsection 3, or had earned other comparable academic
29 credentials.

30 b. The applicant is preparing to teach in fields including
31 but not limited to science, technology, engineering, or
32 mathematics; or is preparing to teach in a hard-to-staff
33 subject as identified by the department. The department shall
34 annually identify and designate hard-to-staff subjects for the
35 purpose of this paragraph.



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1 4. A selected applicant who has successfully completed a
2 practitioner preparation program approved pursuant to section
3 256.7, subsection 3, shall be eligible for a teach Iowa scholar
4 grant for each year of full-time employment completed in this
5 state as a teacher for a school district, charter school, area
6 education agency, or accredited nonpublic school. A teach Iowa
7 scholar grant shall not exceed four thousand dollars per year
8 per recipient. Grants awarded under this section shall not
9 exceed a total of twenty thousand dollars per recipient over a
10 five-year period.

11 5. The state board, in collaboration with the college
12 student aid commission, shall adopt rules pursuant to chapter
13 17A to administer this section. The rules shall include but
14 shall not be limited to a process for use by the department to
15 determine which eligible applicants will receive teach Iowa
16 scholar grants.

17 6. A teach Iowa scholar fund is established in the state
18 treasury. The fund shall be administered by the department and
19 shall consist of moneys appropriated by the general assembly
20 and any other moneys received by the department for deposit
21 in the fund. The moneys in the fund are appropriated to the
22 department for the teach Iowa scholar program. Notwithstanding
23 section 8.33, moneys in the fund at the close of the fiscal
24 year shall not revert to the general fund of the state but
25 shall remain available for expenditure for the teach Iowa
26 scholar program for subsequent fiscal years. Notwithstanding
27 section 12C.7, subsection 2, interest or earnings on moneys in
28 the fund shall be credited to the fund.

29 Sec. 5. NEW SECTION. **256.98 Teach Iowa student teaching**
30 **pilot project.**

31 1. Subject to an appropriation of sufficient funds by
32 the general assembly, the department shall establish a teach
33 Iowa student teaching pilot project in collaboration with
34 two institutions of higher education which offer teacher
35 preparation programs approved by the state board of education



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1 pursuant to section 256.7, subsection 3. The two institutions
2 of higher education shall include one institution of higher
3 education under the control of the state board of regents and
4 one accredited private institution as defined in section 261.9.

5 2. The teach Iowa student teaching pilot project shall
6 provide students in teacher preparation programs with a
7 one-year student teaching experience. A student teaching
8 experience provided under the pilot project must include all
9 of the following requirements:

10 a. A participating institution of higher education
11 shall work with one or more school districts individually
12 or collaboratively to place groups of students in a
13 student teaching experience for an entire academic year. A
14 participating institution of higher education shall take into
15 consideration geographic diversity in the selection of school
16 districts for participation in the pilot project.

17 b. A participating institution of higher education shall
18 supervise the student teachers in the classroom and shall
19 provide the students with weekly on-site instruction in
20 pedagogy in the participating school districts.

21 3. The state board shall adopt rules pursuant to chapter 17A
22 to administer this section.

23 Sec. 6. Section 261.2, subsection 8, Code 2013, is amended
24 to read as follows:

25 8. Submit by January 15 annually a report to the general
26 assembly which provides, by program, the number of individuals
27 who received loan forgiveness in the previous fiscal year, the
28 amount paid to individuals under sections 261.23, and 261.73,
29 ~~and 261.112~~, and the institutions from which individuals
30 graduated, and that includes any proposed statutory changes and
31 the commission's findings and recommendations.

32 Sec. 7. DEPARTMENT OF EDUCATION — TEACH IOWA FY
33 2013-2014. There is appropriated from the general fund of
34 the state to the department of education for the fiscal year
35 beginning July 1, 2013, and ending June 30, 2014, the following



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1 amounts, or so much thereof as is necessary, to be used for the
2 purposes designated:

3 1. TEACH IOWA MARKETING AND PUBLIC OUTREACH INITIATIVE

4 For purposes of developing and implementing the teach Iowa
5 marketing and public outreach initiative pursuant to section
6 256.95, if enacted, and for not more than the following
7 full-time equivalent positions:

8 \$ 1,000,000

9 FTEs 3.00

10 2. TEACH IOWA STUDENT TEACHING PILOT PROJECT

11 For purposes of developing and implementing the teach Iowa
12 student teaching pilot project pursuant to section 256.98,
13 if enacted, and for not more than the following full-time
14 equivalent positions:

15 \$ 2,000,000

16 FTEs 2.00

17 Sec. 8. DEPARTMENT OF EDUCATION — TEACH IOWA FY

18 2014-2015. There is appropriated from the general fund of
19 the state to the department of education for the fiscal year
20 beginning July 1, 2014, and ending June 30, 2015, the following
21 amounts, or so much thereof as is necessary, to be used for the
22 purposes designated:

23 1. TEACH IOWA MARKETING AND PUBLIC OUTREACH INITIATIVE

24 For purposes of developing and implementing the teach Iowa
25 marketing and public outreach initiative pursuant to section
26 256.95, if enacted, and for not more than the following
27 full-time equivalent positions:

28 \$ 1,000,000

29 FTEs 3.00

30 2. TEACH IOWA STUDENT TEACHING PILOT PROJECT

31 For purposes of developing and implementing the teach Iowa
32 student teaching pilot project pursuant to section 256.98,
33 if enacted, and for not more than the following full-time
34 equivalent positions:

35 \$ 2,000,000

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1 FTEs 2.00
2 Sec. 9. REPEAL. Section 261.112, Code 2013, is repealed.
3 Sec. 10. TRANSITION FUNDING PROVISIONS. On July 1, 2014,
4 any unobligated and unencumbered moneys in the teacher shortage
5 loan forgiveness repayment fund shall revert to the general
6 fund of the state. Any remaining obligations of the teacher
7 shortage loan forgiveness program continuing on or after July
8 1, 2014, shall be met with moneys in the teach Iowa scholar
9 fund established by section 256.97, subsection 5.
10 Sec. 11. EFFECTIVE DATE. The following provisions of this
11 division of this Act take effect July 1, 2014:
12 1. The section of this division of this Act amending section
13 261.2.
14 2. The section of this division of this Act repealing
15 section 261.112.
16 DIVISION III
17 ASSESSMENTS — IOWA PROMISE DIPLOMA SEAL PROGRAM
18 Sec. 12. Section 256.7, subsection 21, paragraph b, Code
19 2013, is amended to read as follows:
20 b. A set of core academic indicators in mathematics and
21 reading in grades four, eight, and eleven, a set of core
22 academic indicators in science in grades eight and eleven, and
23 another set of core indicators that includes but is not limited
24 to graduation rate, postsecondary education, and successful
25 employment in Iowa. Annually, the department shall report
26 state data for each indicator in the condition of education
27 report. Rules adopted pursuant to this subsection shall
28 specify that the approved district-wide assessment of student
29 progress administered for purposes of this paragraph shall be
30 the assessment utilized by school districts statewide in the
31 school year beginning July 1, 2011, or a successor assessment
32 administered by the same assessment provider. The state board
33 may submit to the general assembly recommendations the state
34 board deems appropriate for modifications of assessments of
35 student progress administered for purposes of this paragraph.



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1 Sec. 13. NEW SECTION. 256.27 Iowa promise diploma seal
2 program and council.

3 1. An Iowa promise diploma seal program is established
4 within the department. The program shall be designed by
5 the director to accomplish the following objectives when
6 implemented by school districts pursuant to section 279.54:

7 a. To define college- and career-ready performance
8 expectations that are aligned to national and international
9 college- and career-ready standards.

10 b. To compel stronger alignment of curriculum, instruction,
11 and assessment with the knowledge, skills, and abilities most
12 predictive of student success in secondary and postsecondary
13 education programs, and in careers.

14 c. To identify students who upon graduation from high school
15 demonstrate specific competencies aligned with college and
16 career readiness.

17 d. To validate that students have met specific expectations
18 and demonstrated essential competencies or skills identified
19 by the department as important across a range of education and
20 career opportunities.

21 e. To recognize students by awarding a diploma seal
22 associated with specific subjects or areas of accomplishment.

23 f. (1) To encourage institutions of higher education
24 governed by the state board of regents and accredited private
25 institutions as defined in section 261.9 to grant automatic
26 admission to applicants awarded a diploma seal for meeting
27 college-readiness standards. The diploma seal shall not
28 replace the admissions index used by the institutions of higher
29 education governed by the state board of regents, or the
30 admissions requirements of accredited private institutions, but
31 the diploma seal may be used as an alternative assessment of
32 whether an applicant meets the institution's requirements for
33 admission.

34 (2) To encourage community colleges to exempt students
35 awarded a diploma seal by meeting college- or career-readiness



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1 standards from additional placement or readiness testing.

2 *g.* To encourage business and industry to establish hiring
3 preferences to students awarded a diploma seal.

4 2. The Iowa promise diploma seal program council is
5 created within the department to regularly advise and make
6 recommendations to the director and the state board on the
7 operation of the Iowa promise diploma seal program. The
8 governor shall appoint the council's members.

9 *a.* The council shall submit its findings and recommendations
10 periodically and at least annually in a report to the governor,
11 the director, and the state board. The council shall do the
12 following:

13 (1) Recommend specific academic or skill areas for which
14 an Iowa promise diploma seal may be awarded, including but not
15 limited to seals related to college-readiness, specialized
16 academic pathways, and specialized career and technical
17 pathways including fields related to science, technology,
18 engineering, and mathematics.

19 (2) Recommend standards for Iowa promise diploma seals
20 that reflect the high quality of work a student must complete
21 throughout a significant portion of the student's secondary
22 education, and not merely during a single year.

23 (3) Recommend specific requirements and criteria for
24 awarding an Iowa promise diploma seal in each subject or area
25 of accomplishment. The requirements shall include but not be
26 limited to the demonstration of competencies in both content
27 and universal constructs through the following:

28 (a) A core course of study.

29 (b) A specialized course of study related to each area for
30 which an Iowa promise diploma seal may be awarded.

31 (c) Multiple assessments and demonstrations of competency
32 in a variety of formats including but not limited to at least
33 one standardized measure of college readiness and the national
34 career readiness certificate.

35 (d) A capstone project portfolio demonstrating academic and

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1 nonacademic skills and abilities associated with postsecondary
2 academic success. The recommendation shall include the content
3 areas in which a capstone project may be completed and an
4 optional capstone project focusing on entrepreneurship or
5 entrepreneurial education.

6 (4) Recommend, as necessary, adjustments to types or
7 categories of Iowa promise diploma seals available for award
8 based on criteria to be determined by the state board.

9 (5) Recommend a tiered implementation schedule that begins
10 July 1, 2014, has a goal of making some Iowa promise diploma
11 seals available for award to the 2015 graduating class, and
12 results in full implementation of the program by July 1, 2017.

13 (6) Recommend a strategy to meet the objective established
14 in subsection 1, paragraph "f".

15 (7) Recommend a strategy to encourage participating Iowa
16 businesses and industries to establish hiring preferences to
17 an applicant who was awarded an Iowa promise diploma seal,
18 including but not limited to a diploma seal that requires
19 attainment of a national career readiness certificate and other
20 readiness criteria.

21 b. The council shall be comprised of at least twenty
22 voting members representing the elementary and secondary
23 education community, the postsecondary education community,
24 small business employers, medium-size business employers, large
25 business employers, local government, state government, and
26 economic development entities. Members shall be appointed
27 to reflect a balance between educators and noneducators. In
28 selecting individuals for appointment to the council, the
29 governor shall seek nominations from the following entities:

- 30 (1) The Iowa business council.
31 (2) The Iowa association of business and industry.
32 (3) The Iowa chamber alliance.
33 (4) The professional developers of Iowa.
34 (5) The department of workforce development.
35 (6) The economic development authority.

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- 1 (7) An association representing individuals providing Iowa
2 career and technical education.
- 3 (8) An association comprised of Iowa school counselors.
- 4 (9) A statewide organization representing Iowa
5 municipalities.
- 6 (10) The Iowa council of governments.
- 7 (11) The state board of regents, which shall submit
8 nominations for at least three prospective members.
- 9 (12) An association representing accredited private
10 institutions as defined in section 261.9.
- 11 (13) A statewide association representing Iowa's community
12 college presidents.
- 13 (14) A statewide association representing Iowa school
14 administrators licensed under chapter 272.
- 15 (15) A statewide association representing the boards of
16 directors of Iowa school districts.
- 17 (16) A statewide association representing Iowa's accredited
18 nonpublic schools.
- 19 (17) A statewide organization made up of the Iowa school
20 districts with the largest enrollments.
- 21 (18) A statewide organization representing teachers
22 licensed under chapter 272.
- 23 c. Four members of the general assembly shall serve as ex
24 officio, nonvoting members of the council, with one member to
25 be appointed by each of the following: the majority leader of
26 the senate, the minority leader of the senate, the speaker of
27 the house of representatives, and the minority leader of the
28 house of representatives. A legislative member serves for a
29 term as provided in section 69.16B and is eligible for per diem
30 and expenses as provided in section 2.10.
- 31 3. The state board shall adopt, and may amend, standards,
32 requirements, and criteria for awarding an Iowa promise diploma
33 seal, which shall be made available to school districts and
34 participating accredited nonpublic schools not later than July
35 1, 2014.



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1 4. By June 1, 2014, the state board shall adopt rules
2 pursuant to chapter 17A for the administration of this section,
3 including but not limited to rules establishing the minimum
4 components of the Iowa promise diploma seal program that
5 are part of the educational standards under section 256.11,
6 subsection 5.

7 5. The authorities in charge of an accredited nonpublic
8 school may elect to participate in the Iowa promise diploma
9 seal program, and may offer students enrolled in the school the
10 opportunity to participate in the program.

11 Sec. 14. NEW SECTION. 279.54 Iowa promise diploma seal
12 program implementation.

13 Beginning July 1, 2014, the board of directors of each school
14 district shall implement, as part of its high school graduation
15 requirements, the Iowa promise diploma seal program established
16 in section 256.27; and beginning with the graduating class
17 of 2015, shall make Iowa promise diploma seals available to
18 graduating high school students who qualify under rules adopted
19 by the state board of education pursuant to section 256.27.
20 Participation in the program by students is voluntary and shall
21 not be compelled as a condition of graduation or for receiving
22 a diploma from the school district.

23 Sec. 15. DEPARTMENT OF EDUCATION — IOWA PROMISE DIPLOMA
24 SEAL PROGRAM. There is appropriated from the general fund of
25 the state to the department of education for the following
26 fiscal years the following amounts, or so much thereof as is
27 necessary, to be used for the purposes designated:

28 For purposes of developing and implementing the Iowa promise
29 diploma seal program pursuant to section 256.27, if enacted,
30 and for purposes of providing, at the department's expense,
31 Iowa high school students with the option of taking either a
32 college entrance examination or a workforce readiness test,
33 and other assessments related to college readiness, career
34 readiness, and universal constructs:

35 FY 2013-2014..... \$ 4,000,000

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1 FY 2014-2015..... \$ 4,000,000

2 Of the moneys appropriated for purposes of this section, up
3 to \$350,000 may be used in each fiscal year by the department
4 for administrative purposes and for not more than three
5 full-time equivalent positions.

6 DIVISION IV

7 TEACHER AND ADMINISTRATOR DEVELOPMENT SYSTEM

8 Sec. 16. Section 256.7, Code 2013, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 33. Adopt rules establishing a statewide
11 system of evaluation and performance review requirements for
12 teachers and a statewide system of evaluation requirements for
13 administrators. The systems shall align with Iowa teaching
14 standards or the Iowa standards for school administrators, as
15 appropriate, and shall use clear and concise evaluation and
16 performance review criteria and descriptors; provide for a fair
17 and balanced use of student outcome measures; include a tiered
18 evaluation or performance review system that differentiates at
19 least three levels of teacher performance; and be applicable to
20 all teachers and school administrators, as appropriate, in a
21 charter school, school district, or area education agency.

22 Sec. 17. Section 256.9, subsections 46 and 51, Code 2013,
23 are amended to read as follows:

24 46. a. Develop core knowledge and skill criteria, based
25 upon the Iowa teaching standards, for the evaluation, the
26 advancement, and for teacher career development purposes
27 pursuant to chapter 284. The criteria shall further define the
28 characteristics of quality teaching as established by the Iowa
29 teaching standards. This paragraph is repealed July 1, 2015.

30 b. ~~The director~~ Develop, in consultation with the board
31 of educational examiners, ~~shall also develop~~ a transition
32 plan for implementation of the career development standards
33 developed pursuant to section 256.7, subsection 25, with regard
34 to licensure renewal requirements. The plan shall include a
35 requirement that practitioners be allowed credit for career

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1 development completed prior to implementation of the career
2 development standards developed pursuant to section 256.7,
3 subsection 25.

4 51. Develop, and periodically review and revise as
5 necessary, Iowa standards for school administrators, including
6 knowledge and skill criteria, and develop, based on the
7 Iowa standards for administrators, mentoring and induction,
8 evaluation processes, and professional development plans
9 pursuant to chapter 284A. The criteria shall further define
10 the characteristics of quality administrators as established by
11 the Iowa standards for school administrators.

12 Sec. 18. Section 256.9, Code 2013, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 63. Do all of the following by July 1,
15 2015, in order to develop and implement an Iowa educator
16 development system:

17 a. (1) Develop for implementation by July 1, 2015,
18 Iowa teaching standards designed specifically for purposes
19 of chapters 279 and 284. The standards shall align with
20 nationally accepted teaching standards. The director shall
21 review and may revise the Iowa teaching standards as necessary.
22 Based upon the standards developed pursuant to this paragraph,
23 the director shall develop core knowledge and skill criteria
24 for the evaluation and advancement of teachers, and for teacher
25 career development purposes pursuant to chapter 284. The
26 criteria shall further define the characteristics of quality
27 teaching as established by the Iowa teaching standards.

28 (2) The Iowa teaching standards developed pursuant to
29 subparagraph (1) shall be based on significant input from the
30 council on educator development established and convened by the
31 director. This subparagraph is repealed July 1, 2015.

32 b. Develop and implement Iowa standards for school
33 administrators designed specifically for purposes of chapters
34 272 and 284A. The standards shall be based on significant
35 input from Iowa administrators and align with nationally

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1 accepted school administrator standards.

2 *c.* Review and, where necessary, revise the standards and
3 requirements for the evaluator training program established
4 pursuant to section 284.10.

5 *d.* Develop and implement a coaching and support system for
6 teachers aligned with the Iowa teacher career paths, leadership
7 roles, and compensation framework established pursuant to
8 section 284.15, if enacted.

9 *e.* Develop and implement a coaching and support system
10 for administrators aligned with the beginning administrator
11 mentoring and induction program created pursuant to section
12 284A.5.

13 Sec. 19. Section 272.9A, subsection 1, Code 2013, is amended
14 to read as follows:

15 1. ~~Beginning July 1, 2007, requirements~~ Requirements for
16 administrator licensure beyond an initial license shall include
17 completion of a beginning administrator mentoring and induction
18 program and demonstration of competence on the ~~administrator~~
19 Iowa standards for school administrators adopted pursuant to
20 section ~~284A.3~~ 256.7, subsection 27.

21 Sec. 20. Section 279.14, subsection 1, Code 2013, is amended
22 to read as follows:

23 1. The board shall establish written evaluation criteria
24 and shall establish and annually implement evaluation
25 procedures. The evaluation criteria and procedures shall be
26 consistent with the statewide system of performance review
27 requirements established by the state board pursuant to section
28 256.7, subsection 33, and the provisions of chapter 284. If
29 an exclusive bargaining representative has been certified, the
30 board shall negotiate in good faith with respect to evaluation
31 procedures pursuant to chapter 20.

32 Sec. 21. Section 279.23A, Code 2013, is amended to read as
33 follows:

34 **279.23A Evaluation criteria and procedures.**

35 The board shall establish written evaluation criteria and

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1 shall establish and annually implement evaluation procedures.
2 The evaluation criteria and procedures shall be consistent
3 with the statewide system of evaluation requirements for
4 administrators established by the state board pursuant to
5 section 256.7, subsection 33, and with the provisions of
6 chapter 284A. The board shall also establish written job
7 descriptions for all supervisory positions.

8 Sec. 22. Section 284.3, Code 2013, is amended to read as
9 follows:

10 **284.3 Iowa teaching standards.**

11 1. a. For purposes of this chapter and for developing
12 teacher evaluation criteria under chapter 279, the Iowa
13 teaching standards are as follows:

14 ~~a.~~ (1) Demonstrates ability to enhance academic performance
15 and support for and implementation of the school district's
16 student achievement goals.

17 ~~b.~~ (2) Demonstrates competence in content knowledge
18 appropriate to the teaching position.

19 ~~c.~~ (3) Demonstrates competence in planning and preparing
20 for instruction.

21 ~~d.~~ (4) Uses strategies to deliver instruction that meets
22 the multiple learning needs of students.

23 ~~e.~~ (5) Uses a variety of methods to monitor student
24 learning.

25 ~~f.~~ (6) Demonstrates competence in classroom management.

26 ~~g.~~ (7) Engages in professional growth.

27 ~~h.~~ (8) Fulfills professional responsibilities established
28 by the school district.

29 b. This subsection is repealed July 1, 2015.

30 2. A school board shall provide for the following:

31 a. For purposes of comprehensive evaluations for beginning
32 teachers required to allow beginning teachers to progress to
33 career teachers, standards and criteria that are the Iowa
34 teaching standards specified in subsection 1 and the criteria
35 for the Iowa teaching standards developed by the ~~department in~~



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1 ~~accordance with section 256.9, subsection 46~~ director. These
2 standards and criteria shall be set forth in an instrument
3 provided by the department. The comprehensive evaluation
4 and instrument are not subject to negotiations or grievance
5 procedures pursuant to chapter 20 or determinations made by the
6 board of directors under section 279.14. A local school board
7 and its certified bargaining representative may negotiate,
8 pursuant to chapter 20, evaluation and grievance procedures for
9 beginning teachers that are not in conflict with this chapter.
10 If, in accordance with section 279.19, a beginning teacher
11 appeals the determination of a school board to an adjudicator
12 under section 279.17, the adjudicator selected shall have
13 successfully completed training related to the Iowa teacher
14 standards, the criteria adopted by the state board of education
15 in accordance with subsection 3, and any additional training
16 required under rules adopted by the public employment relations
17 board in cooperation with the state board of education.
18 **b.** For purposes of performance reviews for teachers other
19 than beginning teachers, evaluations that contain, at a
20 minimum, the Iowa teaching standards ~~specified in subsection~~
21 ~~1,~~ as well as the criteria for the Iowa teaching standards
22 developed by the ~~department in accordance with section 256.9,~~
23 ~~subsection 46~~ director. A local school board and its certified
24 bargaining representative may negotiate, pursuant to chapter
25 20, additional teaching standards and criteria. A local
26 school board and its certified bargaining representative shall
27 negotiate, pursuant to chapter 20, evaluation and grievance
28 procedures for teachers other than beginning teachers that are
29 not in conflict with this chapter.
30 **3.** The state board shall adopt by rule pursuant to chapter
31 17A the criteria developed by the ~~department in accordance with~~
32 ~~section 256.9, subsection 46~~ director.
33 **Sec. 23.** Section 284.8, subsection 2, Code 2013, is amended
34 to read as follows:
35 **2.** If a supervisor or an evaluator determines, at any

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1 time, as a result of a teacher's performance that the teacher
2 is not meeting district expectations under the Iowa teaching
3 standards ~~specified in section 284.3, subsection 1, paragraphs~~
4 ~~"a" through "h"~~, the criteria for the Iowa teaching standards
5 developed by the ~~department in accordance with section 256.9,~~
6 ~~subsection 46~~ director, and any other standards or criteria
7 established in the collective bargaining agreement, the
8 evaluator shall, at the direction of the teacher's supervisor,
9 recommend to the district that the teacher participate in an
10 intensive assistance program. The intensive assistance program
11 and its implementation are subject to negotiation and grievance
12 procedures established pursuant to chapter 20. All school
13 districts shall be prepared to offer an intensive assistance
14 program.

15 Sec. 24. Section 284A.2, subsection 3, Code 2013, is amended
16 to read as follows:

17 3. "*Comprehensive evaluation*" means a summative evaluation
18 of a beginning administrator conducted by an evaluator
19 in accordance with section ~~284A.3~~ 284A.4 for purposes of
20 determining a beginning administrator's level of competency
21 for recommendation for licensure based on the Iowa standards
22 for school administrators adopted pursuant to section 256.7,
23 subsection 27.

24 Sec. 25. Section 284A.3, Code 2013, is amended to read as
25 follows:

26 **284A.3 Iowa standards for school ~~administrators~~ administrator**
27 **evaluations.**

28 By July 1, 2008, each school board shall provide for
29 evaluations for administrators under individual professional
30 development plans developed in accordance with section 279.23A,
31 and the Iowa standards for school administrators and related
32 criteria adopted by the state board in accordance with section
33 256.7, subsection 27. A local school board may establish
34 additional administrator standards and related criteria. This
35 section is repealed July 1, 2015.

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1 Sec. 26. COUNCIL ON EDUCATOR DEVELOPMENT ESTABLISHED.

2 1. The director of the department of education shall
3 establish and convene a council on educator development
4 to review the current teacher and administrator evaluation
5 requirements and the teacher performance review requirements,
6 and to make recommendations to the director regarding
7 improvement to the evaluation and performance review
8 requirements for teachers and to the evaluation requirements
9 for administrators.

10 2. The council shall make recommendations to the director
11 concerning development of the following:

12 a. A holistic vision of teacher and administrator
13 development and dissemination of this vision to schools, school
14 districts, and area education agencies.

15 b. Methods designed to foster a culture of continuous
16 learning and improvement within schools, school districts,
17 and area education agencies with differentiated supports for
18 educators.

19 c. Iowa teaching standards and the administrator standards
20 for school administrators.

21 d. Performance review for teachers and evaluation criteria
22 for teachers and administrators.

23 e. A method for establishing a fair and balanced use of
24 student outcome measures.

25 f. A means to differentiate levels of teacher performance.

26 3. The council shall be comprised of at least seventeen
27 voting members appointed by the director as follows:

28 a. Eight members representing education stakeholders; four
29 of whom shall be practitioners knowledgeable about the Iowa
30 core curriculum, and four of whom shall be knowledgeable about
31 current education research and practice in educator quality.

32 b. One member representing the department of education, who
33 shall serve as chairperson of the council.

34 c. One member representing the area education agencies.

35 d. One member representing a certified employee



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1 organization representing teachers licensed under chapter 272.

2 e. One member representing a statewide organization
3 representing school administrators licensed under chapter 272.

4 f. One member representing rural school districts selected
5 by a statewide organization representing the boards of
6 directors of school districts.

7 g. One member representing an organization made up of Iowa
8 school districts with the largest student enrollments.

9 h. One member representing Iowa's approved teacher
10 preparation programs.

11 i. One member representing Iowa's approved administrator
12 preparation programs.

13 j. One member representing parents of Iowa elementary or
14 secondary students.

15 k. Other education stakeholders as determined by the
16 director.

17 4. Four members of the general assembly shall serve as ex
18 officio, nonvoting members of the council, with one member to
19 be appointed by each of the following: the majority leader of
20 the senate, the minority leader of the senate, the speaker of
21 the house of representatives, and the minority leader of the
22 house of representatives.

23 5. The council shall submit its findings and
24 recommendations to the state board of education, the governor,
25 and the general assembly by January 1, 2015.

26 6. The director shall consider the findings and
27 recommendations of the council to revise evaluator training in
28 accordance with section 256.9, subsection 63; and to develop
29 a statewide system of performance review requirements for
30 teachers and a statewide system of evaluation requirements for
31 administrators which the director shall submit to the state
32 board of education for approval.

33 Sec. 27. DEPARTMENT OF EDUCATION — EDUCATOR DEVELOPMENT
34 SYSTEM. There is appropriated from the general fund of the
35 state to the department of education for the fiscal period

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1 beginning July 1, 2013, and ending June 30, 2015, the following
2 amounts, or so much thereof as is necessary, to be used for the
3 purposes designated:

4 For purposes of developing and implementing an Iowa educator
5 development system pursuant to section 256.9, subsection 63,
6 if enacted, and establishing a council on educator development
7 pursuant to this Act:

8 FY 2013-2014..... \$ 500,000

9 FY 2014-2015..... \$ 3,500,000

10 Of the moneys appropriated each fiscal year for purposes of
11 this section, up to \$300,000 may be used by the department for
12 administrative purposes and for not more than three full-time
13 equivalent positions.

14 DIVISION V

15 IOWA TEACHER CAREER AND COMPENSATION MATTERS

16 Sec. 28. Section 257.1, subsection 2, paragraph b, Code
17 2013, is amended to read as follows:

18 b. For the budget year commencing July 1, 1999, and for each
19 succeeding budget year the regular program foundation base per
20 pupil is eighty-seven and five-tenths percent of the regular
21 program state cost per pupil. For the budget year commencing
22 July 1, 1991, and for each succeeding budget year the special
23 education support services foundation base is seventy-nine
24 percent of the special education support services state cost
25 per pupil. The combined foundation base is the sum of the
26 regular program foundation base, the special education support
27 services foundation base, the total teacher salary supplement
28 district cost, the total professional development supplement
29 district cost, the total early intervention supplement district
30 cost, the total teacher leadership supplement district cost,
31 the total area education agency teacher salary supplement
32 district cost, and the total area education agency professional
33 development supplement district cost.

34 Sec. 29. Section 257.1, subsection 3, Code 2013, is amended
35 to read as follows:

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1 3. *Computations rounded.* In making computations and
2 payments under this chapter, except in the case of computations
3 relating to funding of special education support services,
4 media services, and educational services provided through the
5 area education agencies, and the teacher salary supplement, the
6 professional development supplement, ~~and~~ the early intervention
7 supplement, and the teacher leadership supplement, the
8 department of management shall round amounts to the nearest
9 whole dollar.

10 Sec. 30. Section 257.4, subsection 1, paragraph a, Code
11 2013, is amended by adding the following new subparagraph:

12 NEW SUBPARAGRAPH. (8) The total teacher leadership
13 supplement district cost.

14 Sec. 31. Section 257.8, subsection 2, Code 2013, is amended
15 to read as follows:

16 2. *Categorical state percent of growth.* The categorical
17 state percent of growth for the budget year beginning July 1,
18 2010, is two percent. The categorical state percent of growth
19 for the budget year beginning July 1, 2012, is two percent.
20 The categorical state percent of growth for each budget year
21 shall be established by statute which shall be enacted within
22 thirty days of the submission in the year preceding the
23 base year of the governor's budget under section 8.21. The
24 establishment of the categorical state percent of growth for a
25 budget year shall be the only subject matter of the bill which
26 enacts the categorical state percent of growth for a budget
27 year. The categorical state percent of growth may include
28 state percents of growth for the teacher salary supplement, the
29 professional development supplement, ~~and~~ the early intervention
30 supplement, and the teacher leadership supplement.

31 Sec. 32. Section 257.9, Code 2013, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 11. *Teacher leadership supplement state cost*
34 *per pupil.* The teacher leadership supplement state cost per
35 pupil amount for the budget year beginning July 1, 2014, shall

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1 be calculated by the department of management by dividing the
2 allocation amount for the budget year beginning July 1, 2014,
3 in section 284.13, subsection 1, paragraph "de", subparagraph
4 (5), by one-third of the statewide total budget enrollment for
5 the fiscal year beginning July 1, 2014. The teacher leadership
6 supplement state cost per pupil for the budget year beginning
7 July 1, 2015, and succeeding budget years, shall be the teacher
8 leadership supplement state cost per pupil for the base year
9 plus an allowable growth amount that is equal to the teacher
10 leadership supplement categorical state percent of growth,
11 pursuant to section 257.8, subsection 2, for the budget year,
12 multiplied by the teacher leadership supplement state cost per
13 pupil for the base year.

14 Sec. 33. Section 257.10, subsection 8, paragraph a, Code
15 2013, is amended to read as follows:

16 a. Combined district cost is the sum of the regular program
17 district cost per pupil multiplied by the weighted enrollment,
18 the special education support services district cost, the total
19 teacher salary supplement district cost, the total professional
20 development supplement district cost, ~~and~~ the total early
21 intervention supplement district cost, and the total teacher
22 leadership supplement district cost, plus the sum of the
23 additional district cost allocated to the district to fund
24 media services and educational services provided through the
25 area education agency, the area education agency total teacher
26 salary supplement district cost and the area education agency
27 total professional development supplement district cost.

28 Sec. 34. Section 257.10, Code 2013, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 12. *Teacher leadership supplement cost per*
31 *pupil and district cost.*

32 a. The teacher leadership supplement district cost per
33 pupil amount for the budget year beginning July 1, 2014, shall
34 be calculated by the department of management by dividing the
35 allocation amount for the budget year beginning July 1, 2014,

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1 in section 284.13, subsection 1, paragraph "de", subparagraph
2 (5), by one-third of the statewide total budget enrollment
3 for the fiscal year beginning July 1, 2014. For the budget
4 year beginning July 1, 2015, and succeeding budget years, the
5 teacher leadership supplement district cost per pupil for each
6 school district for a budget year is the teacher leadership
7 supplement program district cost per pupil for the base year
8 plus the teacher leadership supplement state allowable growth
9 amount for the budget year.

10 **b.** For the budget year beginning July 1, 2015, and
11 succeeding budget years, if the department of management
12 determines that the unadjusted teacher leadership supplement
13 district cost of a school district for a budget year is less
14 than one hundred percent of the unadjusted teacher leadership
15 supplement district cost for the base year for the school
16 district, the school district shall receive a budget adjustment
17 for that budget year equal to the difference.

18 **c.** (1) The unadjusted teacher leadership supplement
19 district cost is the teacher leadership supplement district
20 cost per pupil for each school district for a budget year
21 multiplied by the budget enrollment for that school district.

22 (2) The total teacher leadership supplement district cost
23 is the sum of the unadjusted teacher leadership supplement
24 district cost plus the budget adjustment for that budget year.

25 **d.** For the budget year beginning July 1, 2014, and
26 succeeding budget years, the use of the funds calculated under
27 this subsection shall comply with the requirements of chapter
28 284 and shall be distributed to teachers pursuant to section
29 284.15.

30 Sec. 35. Section 257.16, subsection 4, Code 2013, is amended
31 to read as follows:

32 4. Notwithstanding any provision to the contrary, if
33 the governor orders budget reductions in accordance with
34 section 8.31, the teacher salary supplement district cost,
35 the professional development supplement district cost, and

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1 the early intervention supplement district cost, and the
2 teacher leadership supplement district cost as calculated
3 under section 257.10, subsections 9, 10, and 11, and 12, and
4 the area education agency teacher salary supplement district
5 cost and the area education agency professional development
6 supplement district cost as calculated under section 257.37A,
7 subsections 1 and 2, shall be paid in full as calculated and
8 the reductions in the appropriations provided in accordance
9 with this section shall be reduced from the remaining moneys
10 appropriated pursuant to this section and shall be distributed
11 on a per pupil basis calculated with the weighted enrollment
12 determined in accordance with section 257.6, subsection 5.

13 Sec. 36. Section 284.2, subsections 1, 7, and 8, Code 2013,
14 are amended to read as follows:

15 1. "*Beginning teacher*" means an individual serving under an
16 initial or intern license, issued ~~by the board of educational~~
17 ~~examiners~~ under chapter 272, who is assuming a position as a
18 teacher. "*Beginning teacher*" includes an individual who is
19 an initial teacher. For purposes of the beginning teacher
20 mentoring and induction program created pursuant to section
21 284.5, "*beginning teacher*" also includes preschool teachers
22 who are licensed ~~by the board of educational examiners~~ under
23 chapter 272 and are employed by a school district or area
24 education agency. "*Beginning teacher*" does not include a
25 teacher whose employment with a school district or area
26 education agency is probationary unless the teacher is serving
27 under an initial or teacher intern license issued ~~by the board~~
28 ~~of educational examiners~~ under chapter 272.

29 7. "*Mentor*" means an individual employed by a school
30 district or area education agency as a teacher or a retired
31 teacher who holds a valid license issued under chapter
32 272. The individual must have a record of ~~four~~ two years
33 of successful teaching practice, must be employed on a
34 nonprobationary basis, and must demonstrate professional
35 commitment to both the improvement of teaching and learning and

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1 the development of beginning teachers.

2 8. "Performance review" means a summative evaluation of
3 a teacher other than a beginning teacher and that is used
4 to determine whether the teacher's practice meets school
5 district expectations and the Iowa teaching standards, ~~and to~~
6 ~~determine whether the teacher's practice meets school district~~
7 ~~expectations for career advancement~~ in accordance with section
8 ~~284.7~~ 284.8.

9 Sec. 37. Section 284.3, subsection 2, paragraph a, Code
10 2013, is amended to read as follows:

11 a. For purposes of comprehensive evaluations ~~for, standards~~
12 and criteria which measure a beginning teachers required to
13 ~~allow beginning teachers to progress to career teachers,~~
14 ~~standards and criteria that are~~ teacher's performance against
15 the Iowa teaching standards specified in subsection 1, and
16 the criteria for the Iowa teaching standards developed by the
17 department in accordance with section 256.9, ~~subsection 46 to~~
18 determine whether the teacher's practice meets the requirements
19 specified for a career teacher. These standards and criteria
20 shall be set forth in an instrument provided by the department.
21 The comprehensive evaluation and instrument are not subject to
22 negotiations or grievance procedures pursuant to chapter 20 or
23 determinations made by the board of directors under section
24 279.14. A local school board and its certified bargaining
25 representative may negotiate, pursuant to chapter 20,
26 evaluation and grievance procedures for beginning teachers that
27 are not in conflict with this chapter. If, in accordance with
28 section 279.19, a beginning teacher appeals the determination
29 of a school board to an adjudicator under section 279.17, the
30 adjudicator selected shall have successfully completed training
31 related to the Iowa teacher standards, the criteria adopted by
32 the state board ~~of education~~ in accordance with subsection 3,
33 and any additional training required under rules adopted by the
34 public employment relations board in cooperation with the state
35 board ~~of education~~.



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1 Sec. 38. Section 284.3A, subsection 2, paragraph a, Code
2 2013, is amended to read as follows:

3 a. For the school budget year beginning July 1, 2010,
4 and each succeeding school year, school districts and area
5 education agencies shall combine payments made to teachers
6 under sections 257.10 and 257.37A with regular wages to
7 create a combined salary. The teacher contract issued under
8 section 279.13 must include the combined salary. If a school
9 district or area education agency uses a salary schedule, a
10 combined salary schedule shall be used for regular wages and
11 for distribution of payments under sections 257.10 and 257.37A,
12 incorporating the salary minimums required in section 284.7
13 or 284.15. The combined salary schedule must use only the
14 combined salary and cannot differentiate regular salaries and
15 distribution of payments under sections 257.10 and 257.37A.

16 Sec. 39. Section 284.5, subsection 2, Code 2013, is amended
17 by striking the subsection.

18 Sec. 40. Section 284.5, subsection 4, Code 2013, is amended
19 to read as follows:

20 4. Each school district and area education agency shall
21 develop ~~an initial beginning teacher mentoring and induction~~
22 a plan for the program. A school district shall include its
23 plan in the school district's comprehensive school improvement
24 plan submitted pursuant to section 256.7, subsection 21. The
25 ~~beginning teacher mentoring and induction~~ plan shall, at a
26 minimum, provide for a two-year sequence of induction program
27 content and activities to support the Iowa teaching standards
28 and beginning teacher professional and personal needs; mentor
29 training that includes, at a minimum, skills of classroom
30 demonstration and coaching, and district expectations for
31 beginning teacher competence on Iowa teaching standards;
32 placement of mentors and beginning teachers; the process for
33 dissolving mentor and beginning teacher partnerships; district
34 organizational support for release time for mentors and
35 beginning teachers to plan, provide demonstration of classroom

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1 practices, observe teaching, and provide feedback; structure
2 for mentor selection and assignment of mentors to beginning
3 teachers; a district facilitator; and program evaluation.

4 Sec. 41. Section 284.6, subsections 6 and 8, Code 2013, are
5 amended to read as follows:

6 6. School districts, a consortium of school districts,
7 area education agencies, higher education institutions,
8 and other public or private entities including professional
9 associations may be approved by the state board to provide
10 teacher professional development. The professional development
11 program or offering shall, at minimum, meet the requirements
12 of subsection 1. ~~The state board shall adopt rules for the~~
13 ~~approval of professional development providers and standards~~
14 ~~for the district development plan.~~

15 8. For each year in which a school district receives funds
16 calculated and paid to school districts for professional
17 development pursuant to section 257.10, subsection 10, or
18 section 257.37A, subsection 2, the school district shall create
19 quality professional development opportunities. Not less than
20 thirty-six hours in the school calendar, held outside of the
21 minimum school day, shall be set aside during nonpreparation
22 time or designated professional development time to allow
23 practitioners to collaborate with each other to deliver
24 educational programs and assess student learning, or to engage
25 in peer review pursuant to section 284.8, subsection 1. ~~The~~
26 ~~goal for the use of the funds is to provide one additional~~
27 ~~contract day or the equivalent thereof for professional~~
28 ~~development, and~~ Priority for use of the funds is shall be
29 to implement the professional development provisions of the
30 teacher career paths and leadership roles specified in section
31 284.7 or 284.15, including but not limited to providing
32 professional development to teachers, including additional
33 salaries for time beyond the normal negotiated agreement; pay
34 for substitute teachers, professional development materials,
35 speakers, and professional development content; and costs

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1 associated with implementing the individual professional
2 development plans. The use of the funds shall be balanced
3 between school district, attendance center, and individual
4 professional development plans, making every reasonable effort
5 to provide equal access to all teachers.

6 Sec. 42. Section 284.7, Code 2013, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 6. This section is repealed July 1, 2016.

9 Sec. 43. Section 284.8, subsection 1, Code 2013, is amended
10 to read as follows:

11 1. A school district shall provide for an annual review of
12 each teacher's performance for purposes of assisting teachers
13 in making continuous improvement, documenting continued
14 competence in the Iowa teaching standards, or identifying
15 teachers in need of improvement, ~~or to determine whether the~~
16 ~~teacher's practice meets school district expectations for~~
17 ~~career advancement in accordance with section 284.7.~~ The
18 review shall include, at minimum, classroom observation of the
19 teacher, the teacher's progress, and implementation of the
20 teacher's individual professional development plan, subject
21 to the level of resources provided to implement the plan; and
22 shall include supporting documentation from parents, students,
23 and other teachers. The first and second year of review shall
24 be conducted by a peer group of teachers. The peer group shall
25 review all of the peer group members. Peer group reviews
26 shall be formative and shall be conducted on an informal,
27 collaborative basis that is focused on assisting each peer
28 group member in achieving the goals of the teacher's individual
29 professional development plan. Peer group reviews shall not
30 be the basis for recommending that a teacher participate in
31 an intensive assistance program, and shall not be used to
32 determine the compensation, promotion, layoff, or termination
33 of a teacher, or any other determination affecting a teacher's
34 employment status. However, as a result of a peer group
35 review, a teacher may elect to participate in an intensive

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1 assistance program. Members of the peer group shall be
2 reviewed every third year by at least one evaluator certified
3 in accordance with section 284.10.

4 Sec. 44. Section 284.8, subsection 3, Code 2013, is amended
5 to read as follows:

6 3. a. If a teacher is denied advancement to the career
7 II or advanced teacher level based upon a performance review,
8 the teacher may appeal the decision to an adjudicator under
9 the process established under section 279.17. However, the
10 decision of the adjudicator is final.

11 b. This subsection is repealed July 1, 2016.

12 Sec. 45. Section 284.9, subsection 4, Code 2013, is amended
13 to read as follows:

14 4. A teacher who does not receive a recommendation from a
15 review panel may appeal that denial to an administrative law
16 judge located in the department of inspections and appeals.
17 The state shall not be liable for a teacher's attorney fees,
18 costs, or damages that may result from an appeal of a review
19 panel's decision. ~~The state board shall adopt rules to~~
20 ~~administer this section.~~

21 Sec. 46. Section 284.9, Code 2013, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 5. This section is repealed July 1, 2016.

24 Sec. 47. NEW SECTION. **284.11 State supplemental assistance**
25 **for teachers in high-need schools.**

26 1. *Findings and intent.* The general assembly finds that
27 Iowa school districts need to be more competitive in recruiting
28 and retaining talented teachers to teach in high-need schools.
29 Therefore, it is the intent of the general assembly to
30 encourage school districts to provide supplemental assistance
31 to teachers to teach in high-need schools. This section
32 provides for state assistance to allow school districts to
33 provide supplemental assistance to motivate teachers to teach
34 in high-need schools.

35 2. *Department's responsibilities.* The department shall do

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1 the following:

2 a. Collect relevant data and establish a list of high-need
3 schools eligible for state supplemental assistance. The
4 department shall establish a process and criteria to determine
5 which schools are placed on the list and the department shall
6 revise the list annually. Criteria for the determination of
7 which high-need schools shall be placed on the list shall be
8 based upon factors that include but are not limited to the
9 socioeconomic status of the students enrolled in the school,
10 the percentage of the school's student body who are limited
11 English proficient students, student academic growth, certified
12 instructional staff attrition, and geographic balance. The
13 department may approve or disapprove requests for revision
14 of the list, which a school district submits pursuant to
15 subsection 3.

16 b. Develop a standardized process for distributing moneys
17 appropriated for supplemental assistance for teachers in
18 high-need schools under section 284.13, subsection 1, paragraph
19 "00e", to school districts. In determining the process
20 for distribution of such moneys, the department shall take
21 into consideration the amount of moneys appropriated for
22 supplemental assistance for teachers in high-need schools for
23 the given year and the minimal amount of moneys needed per
24 teacher to provide an incentive for a teacher to accept a
25 teaching position in a high-need school. A school district
26 receiving moneys pursuant to this section shall certify
27 annually to the department how the moneys distributed to the
28 school district pursuant to this section were used by the
29 school district.

30 c. Review the use and effectiveness of the funds distributed
31 to school districts for supplemental assistance for teachers
32 in high-need schools under this section, and consider the
33 findings and recommendations of the commission on educator
34 leadership and compensation submitted pursuant to section
35 284.15, subsection 10, relating to the use and effectiveness of



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1 the funds distributed to school districts under this section.
2 The department shall submit its findings and recommendations in
3 a report to the general assembly by January 15 annually.

4 3. *School district request for approval.* A school district
5 may request on an annual basis approval from the department
6 for additions to the list of high-need schools the department
7 maintains pursuant to subsection 2 based upon the unique local
8 conditions and needs of the school district. The criteria used
9 to determine the placement of high-need schools on the list in
10 accordance with subsection 2, does not restrict the department
11 from adding a high-need school to the list as requested by a
12 school district on the basis of unique local conditions and
13 needs pursuant to this subsection.

14 4. *Eligibility.* Teachers of all subjects taught in a school
15 included in the department's list of high-need schools shall
16 be eligible to receive supplemental assistance offered in
17 accordance with this section. Notwithstanding any provision of
18 law to the contrary, the department's determination of state
19 supplemental assistance for teachers in high-need schools is
20 not subject to appeal.

21 5. *Moneys received and miscellaneous income.* The
22 distribution of moneys allocated pursuant to section 284.13,
23 subsection 1, paragraph "00e", to a school district shall be
24 made in one payment on or about October 15 of the fiscal year
25 for which the appropriation is made, taking into consideration
26 the relative budget and cash position of the state resources.
27 Such moneys shall not be commingled with state aid payments
28 made under section 257.16 to a school district and shall be
29 accounted for by the local school district separately from
30 state aid payments. Payments made to school districts under
31 this section are miscellaneous income for purposes of chapter
32 257. A school district shall maintain a separate listing
33 within its budget for payments received and expenditures made
34 pursuant to this section.

35 6. *Moneys received to supplement salaries.* Moneys received

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1 by a school district pursuant to section 284.13, subsection 1,
2 paragraph "00e", shall be used to supplement and not supplant
3 the salary being received by a teacher in a high-need school,
4 and shall not be considered under chapter 20 by an arbitrator
5 or other third party in determining a comparison of the wages
6 of teachers in that high-need school with the wages of teachers
7 in other buildings or in another school district.

8 Sec. 48. Section 284.13, subsection 1, Code 2013, is amended
9 by adding the following new paragraphs:

10 NEW PARAGRAPH. 0e. (1) For the following years, to the
11 department of education, for purposes of teacher leadership
12 supplemental aid payments to school districts for implementing
13 the career paths, leadership roles, and compensation framework
14 or comparable system approved in accordance with section
15 284.15, the following amounts:

16 (a) For the fiscal year beginning July 1, 2013, and ending
17 June 30, 2014, five million dollars.

18 (b) For the fiscal year beginning July 1, 2014, and ending
19 June 30, 2015, fifty million dollars.

20 (c) For the fiscal year beginning July 1, 2015, and ending
21 June 30, 2016, fifty million dollars.

22 (d) For the fiscal year beginning July 1, 2016, and ending
23 June 30, 2017, fifty million dollars.

24 (e) For the fiscal year beginning July 1, 2017, and for
25 each succeeding fiscal year, one million five hundred thousand
26 dollars.

27 (2) (a) For the initial school year for which a school
28 district receives department approval for and implements a
29 system in accordance with section 284.15, subsection 8, teacher
30 leadership supplement foundation aid payable to that school
31 district shall be paid from the allocation made in subparagraph
32 (1) for that school year. For that school year, the teacher
33 leadership supplement foundation aid payable to the school
34 district is the product of the teacher leadership district
35 cost per pupil for the school year multiplied by the school

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1 district's budget enrollment.

2 (b) For budget years subsequent to the initial school year
3 for which a school district implemented a system and received
4 funding pursuant to subparagraph division (a), the teacher
5 leadership supplement foundation aid payable to that school
6 district shall be paid from the appropriation made in section
7 257.16.

8 (3) Of the moneys allocated to the department for the
9 purposes of this paragraph "0e", not more than one million
10 dollars shall be used by the department for the development of
11 a delivery system implementing the career paths and leadership
12 roles specified in section 284.15 including but not limited
13 to planning grants to districts and area education agencies,
14 technical assistance for the department, technical assistance
15 for districts and area education agencies, training and staff
16 development, and the contracting of external expertise and
17 services. A portion of the moneys allocated annually to the
18 department for purposes of this subparagraph (3) may be used
19 by the department for administrative purposes and for not more
20 than five full-time equivalent positions.

21 (4) Of the moneys allocated to the department for the
22 purposes of this paragraph "0e", not more than five hundred
23 thousand dollars annually shall be used by the department to
24 provide technical assistance to school districts and area
25 education agencies in the design and implementation of the
26 teacher career paths, leadership roles, and compensation
27 framework established pursuant to section 284.15, and
28 for not more than two full-time equivalent positions. In
29 allocating and expending moneys appropriated pursuant to this
30 subparagraph, the department shall give priority to school
31 districts with certified enrollments of fewer than six hundred
32 students.

33 (5) Of the moneys allocated to the department for purposes
34 of this paragraph "0e", for each fiscal year of the fiscal
35 period beginning July 1, 2014, and ending June 30, 2017, the

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1 amount remaining after the allocations in subparagraphs (3)
2 and (4) shall be payable to the school districts that have
3 an approved career path, leadership roles, and compensation
4 framework or approved comparable system as provided in section
5 284.15.

6 (6) For each fiscal year of the fiscal period beginning
7 July 1, 2013, and ending June 30, 2017, moneys received by a
8 school district pursuant to this paragraph "0e" shall not be
9 considered under chapter 20 by an arbitrator or other third
10 party in determining a comparison of the wages of teachers in
11 that school district with the wages of teachers in another
12 school district.

13 (7) The receipt of funding by a school district for the
14 purposes of this paragraph "0e", and the need for additional
15 funding for the purposes of this paragraph "0e", or the
16 enrollment count of eligible students under this chapter,
17 shall not be considered to be unusual circumstances, create an
18 unusual need for additional funds, or qualify under any other
19 circumstances that may be used by the school budget review
20 committee to grant supplemental aid to or establish modified
21 allowable growth for a school district under section 257.31.

22 NEW PARAGRAPH. 00e. For the fiscal year beginning July 1,
23 2014, and for each subsequent fiscal year, to the department
24 of education, ten million dollars for purposes of implementing
25 the supplemental assistance for teachers in high-need schools
26 provisions of section 284.11. Annually, of the moneys
27 allocated to the department for purposes of this paragraph, up
28 to one hundred thousand dollars may be used by the department
29 for administrative purposes and for not more than one full-time
30 equivalent position.

31 Sec. 49. Section 284.13, subsection 1, paragraph e, Code
32 2013, is amended to read as follows:

33 e. Notwithstanding section 8.33, any moneys remaining
34 unencumbered or unobligated from the moneys allocated for
35 purposes of ~~paragraph paragraphs~~ "a", "b", or "c" through "00e"

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1 shall not revert but shall remain available in the succeeding
2 fiscal year for expenditure for the purposes designated.

3 The provisions of section 8.39 shall not apply to the funds
4 appropriated pursuant to this subsection.

5 Sec. 50. Section 284.13, Code 2013, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 3. The state board may adopt rules which
8 assure the allocation of resources under this section in a
9 manner that optimizes the fulfillment of the purposes specified
10 in sections 284.11 and 284.15.

11 Sec. 51. NEW SECTION. **284.15 Iowa teacher career paths,**
12 **leadership roles, and compensation framework.**

13 1. To promote continuous improvement in Iowa's quality
14 teaching workforce and to give Iowa teachers the opportunity
15 for career recognition that reflects the various roles teachers
16 play as educational leaders, a framework for Iowa teacher
17 career paths, leadership roles, and compensation is established
18 for teachers employed by school districts. A teacher employed
19 by an area education agency may be included in a framework
20 established by a school district if the area education agency
21 and the school district enter into a contract for such purpose.
22 The framework is designed to accomplish the following goals:

23 a. To attract able and promising new teachers by offering
24 competitive starting salaries and offering short-term
25 and long-term professional development and leadership
26 opportunities.

27 b. To retain effective teachers by providing enhanced career
28 opportunities.

29 c. To promote collaboration by developing and supporting
30 opportunities for teachers in schools and school districts
31 statewide to learn from each other.

32 d. To reward professional growth and effective teaching
33 by providing pathways for career opportunities that come with
34 increased leadership responsibilities and involve increased
35 compensation.



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1 e. To improve student achievement by strengthening
2 instruction.

3 2. The Iowa teacher career paths, leadership roles, and
4 compensation requirements under the framework shall be as
5 follows:

6 a. Initial teacher.

7 (1) The salary for an initial teacher who has successfully
8 completed an approved practitioner preparation program as
9 defined in section 272.1 or holds an initial or intern teacher
10 license issued under chapter 272, and who participates in the
11 initial teacher mentoring and induction program as provided in
12 this chapter, shall be at least thirty-five thousand dollars,
13 which shall also constitute the minimum salary for an Iowa
14 teacher.

15 (2) An initial teacher shall complete a teacher residency
16 during the first year of employment that has all of the
17 following characteristics:

18 (a) Intensive supervision or mentoring by a mentor teacher
19 or lead teacher.

20 (b) Sufficient collaboration time for the initial teacher
21 in the residency year to be able to observe and learn from
22 model teachers, mentor teachers, and lead teachers employed by
23 school districts located in this state.

24 (c) A teaching load of not more than seventy-five percent
25 student instruction to allow the initial teacher time for
26 observation and learning.

27 (d) A teaching contract issued under section 279.13 that
28 establishes an employment period which is five days longer
29 than that required for career teachers employed by the school
30 district of employment. The five additional contract days
31 shall be used to strengthen instructional leadership in
32 accordance with this subsection.

33 (e) Frequent observation, evaluation, and professional
34 development opportunities.

35 b. Career teacher. A career teacher is a teacher who holds

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1 a statement of professional recognition issued under chapter
2 272 or who meets all of the following requirements:

3 (1) Has successfully completed the initial teacher
4 mentoring and induction program and has successfully completed
5 a comprehensive evaluation.

6 (2) Has demonstrated the competencies of a career teacher as
7 determined under the school district's comprehensive evaluation
8 of the initial teacher.

9 (3) Holds a valid license issued under chapter 272.

10 (4) Participates in teacher professional development as set
11 forth in this chapter and demonstrates continuous improvement
12 in teaching.

13 c. Model teacher. A model teacher is a teacher who meets
14 the requirements of paragraph "b", has met the requirements
15 established by the school district that employs the teacher,
16 is evaluated by the school district as demonstrating the
17 competencies of a model teacher, has participated in a rigorous
18 review process, and has been recommended for a one-year
19 assignment as a model teacher by a site-based review council
20 appointed pursuant to subsection 3. A school district shall
21 designate at least ten percent of its teachers as model
22 teachers, though the district may enter into an agreement with
23 one or more other districts or an area education agency to meet
24 this requirement through a collaborative arrangement. The
25 terms of the teaching contracts issued under section 279.13 to
26 model teachers shall exceed by five days the terms of teaching
27 contracts issued under section 279.13 to career teachers, and
28 the five additional contract days shall be used to strengthen
29 instructional leadership in accordance with this subsection. A
30 model teacher shall receive annually a salary supplement of at
31 least two thousand dollars.

32 d. Mentor teacher. A mentor teacher is a teacher who
33 is evaluated by the school district as demonstrating the
34 competencies and superior teaching skills of a mentor teacher,
35 and has been recommended for a one-year assignment as a mentor



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1 teacher by a site-based review council appointed pursuant
2 to subsection 3. In addition, a mentor teacher shall hold
3 a valid license issued under chapter 272, participate in
4 teacher professional development as outlined in this chapter,
5 demonstrate continuous improvement in teaching, and possess
6 the skills and qualifications to assume leadership roles. A
7 mentor teacher shall have a teaching load of not more than
8 seventy-five percent student instruction to allow the teacher
9 to mentor other teachers. A school district shall designate
10 at least ten percent of its teachers as mentor teachers,
11 though the district may enter into an agreement with one or
12 more other districts or an area education agency to meet this
13 requirement through a collaborative arrangement. The terms
14 of the teaching contracts issued under section 279.13 to
15 mentor teachers shall exceed by ten days the terms of teaching
16 contracts issued under section 279.13 to career teachers, and
17 the ten additional contract days shall be used to strengthen
18 instructional leadership in accordance with this subsection. A
19 mentor teacher shall receive annually a salary supplement of
20 at least five thousand dollars.

21 e. Lead teacher. A lead teacher is a teacher who holds a
22 valid license issued under chapter 272 and has been recommended
23 for a one-year assignment as a lead teacher by a site-based
24 review council appointed pursuant to subsection 4. The
25 recommendation from the council must assert that the teacher
26 possesses superior teaching skills and the ability to lead
27 adult learners. A lead teacher shall assume leadership
28 roles that may include but are not limited to the planning
29 and delivery of professional development activities designed
30 to improve instructional strategies; the facilitation of
31 an instructional leadership team within the lead teacher's
32 building, school district, or other school districts;
33 the mentoring of other teachers; and participation in the
34 evaluation of student teachers. A lead teacher shall have
35 a teaching load of not more than fifty percent student

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1 instruction to allow the lead teacher to spend time on
2 co-teaching; co-planning; peer reviews; observing career
3 teachers, model teachers, and mentor teachers; and other
4 duties mutually agreed upon by the superintendent and the lead
5 teacher. A school district shall designate at least five
6 percent of its teachers as lead teachers, though the district
7 may enter into an agreement with one or more other districts
8 or an area education agency to meet this requirement through a
9 collaborative arrangement. The terms of the teaching contracts
10 issued under section 279.13 to lead teachers shall exceed by
11 fifteen days the terms of teaching contracts issued under
12 section 279.13 to career teachers, and the fifteen additional
13 contract days shall be used to strengthen instructional
14 leadership in accordance with this subsection. A lead teacher
15 shall receive annually a salary supplement of at least ten
16 thousand dollars.

17 3. The salary supplement received by model, mentor, and lead
18 teachers shall fully cover the salary costs of the additional
19 contract days required of teachers in those leadership roles.
20 Notwithstanding any provision of law to the contrary, the
21 determinations of salary supplements paid pursuant to this
22 section are not subject to appeal.

23 4. The school board shall appoint a site-based review
24 council for each of the district's attendance centers.

25 a. Each council shall be comprised of equal numbers of
26 teachers, administrators, and parents or guardians of students
27 enrolled in the attendance center. Teacher members shall
28 include teachers who conduct peer group reviews in accordance
29 with section 284.8 and who have been nominated by the certified
30 employee organization that represents the school district's
31 teachers, if such organization exists.

32 b. The council shall accept and review applications
33 submitted to the school's or the school district's
34 administration for assignment or reassignment as a model,
35 mentor, or lead teacher, and shall make recommendations

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1 regarding the applications to the superintendent of the school
2 district. In developing recommendations, the council shall
3 utilize measures of teacher effectiveness and professional
4 growth, consider the needs of the school district, and review
5 the performance and professional development of the applicants.
6 Any teacher recommended for assignment or reassignment as a
7 model, mentor, or lead teacher shall have demonstrated to
8 the council's satisfaction competency on the Iowa teaching
9 standards as set forth in section 284.3.

10 c. An assignment as a model teacher, mentor teacher, or
11 lead teacher pursuant to this section shall be subject to
12 review by the school's or the school district's administration
13 at least annually. The review shall include peer feedback
14 on the effectiveness of the teacher's performance of duty
15 specific to the teacher's career path. A teacher who completes
16 the time period of assignment as a model, mentor, or lead
17 teacher may apply to the school's or the school district's
18 administration for assignment in a new role if appropriate or
19 for reassignment.

20 5. A teacher employed in a school district shall not receive
21 less compensation in that district than the teacher received
22 in the school year preceding participation, as set forth in
23 section 284.4, due to implementation of this Act. A teacher
24 who achieves national board for professional teaching standards
25 certification and meets the requirements of section 256.44
26 shall continue to receive the award as specified in section
27 256.44 in addition to the compensation set forth in this
28 section.

29 6. Prior to July 1, 2016, a school district may apply to
30 the department for early implementation of the career paths,
31 leadership roles, and compensation framework specified in
32 subsection 2, or a comparable system of career paths and
33 compensation for teachers that contains differentiated multiple
34 leadership roles.

35 7. On or after July 1, 2016, each school district shall

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1 implement career paths, leadership roles, and compensation
2 in accordance with subsection 2, or a comparable system, for
3 which the school district received approval from the department
4 under subsection 9. Compliance with this subsection shall be
5 determined by the accreditation team authorized pursuant to
6 section 256.11.

7 8. A school district that meets the requirements of section
8 284.7 is exempt from the provisions of subsections 1 through 5
9 until July 1, 2016.

10 9. The department shall establish criteria and a process
11 for application and approval of the framework established
12 under subsection 1, and for comparable systems, which a school
13 district shall implement pursuant to subsection 6, or implement
14 in accordance with subsection 7.

15 10. A school district is encouraged to utilize
16 appropriately licensed teachers emeritus in the implementation
17 of this section.

18 11. The framework or comparable system approved and
19 implemented by a school district in accordance with this
20 section shall be applicable to teachers in every attendance
21 center operated by the school district.

22 12. Subject to an appropriation by the general assembly for
23 purposes of this subsection, a school district may apply to the
24 department for a planning grant to design an implementation
25 strategy for the framework established pursuant to subsection
26 1 or a comparable system of career paths and compensation for
27 teachers that contains differentiated multiple leadership
28 roles. The planning grant shall be used to facilitate a
29 local decision-making process that includes representation
30 of administrators, teachers, and parents and guardians of
31 students. The department shall establish and make available an
32 application for the awarding of planning grants for purposes
33 of this subsection.

34 13. The department shall establish, and provide staffing
35 and administrative support for a commission on educator

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1 leadership and compensation. The commission shall monitor
2 with fidelity the implementation of the framework established
3 by school districts pursuant to subsection 1. The commission
4 shall also evaluate and make recommendations to the department
5 on applications for approval of a comparable system submitted
6 to the department pursuant to subsection 6, and on the
7 expenditure of moneys appropriated for purposes of this
8 section. In addition, the commission shall review the use and
9 effectiveness of the funds distributed to school districts for
10 supplemental assistance to teachers in high-need schools under
11 section 284.11.

12 a. The commission shall be comprised of teachers, parents
13 and guardians of children enrolled in Iowa's school districts,
14 school administrators, school board members, postsecondary
15 faculty, designees representing education-related professional
16 organizations, and business and community leaders.

17 b. Members shall be appointed by the director of the
18 department to three-year terms which are staggered at the
19 discretion of the director and which begin and end as provided
20 in section 69.19. Appointments shall comply with sections
21 69.16, 69.16A, and 69.16C. Vacancies on the commission shall
22 be filled in the same manner as the original appointment.
23 A person appointed to fill a vacancy shall serve only for
24 the unexpired portion of the term. Members are entitled to
25 reimbursement of actual expenses incurred in performance of
26 their official duties.

27 c. By December 15 annually, the commission shall submit its
28 findings and any recommendations, including but not limited to
29 any recommendations for changes to the framework established
30 in subsection 1 and for changes to section 284.11 relating to
31 state supplemental assistance to teachers in high-need schools,
32 in a report to the director, the state board, the governor, and
33 the general assembly.

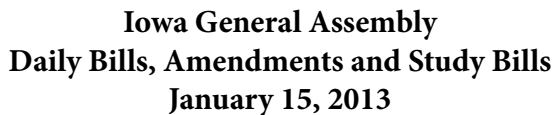
34 14. a. Teacher leadership supplement foundation aid
35 calculated under section 257.10, subsection 12, shall be paid

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1 as part of the state aid payments made to school districts in
2 accordance with section 257.16.

3 *b.* Notwithstanding section 284.3A, teacher leadership
4 supplement foundation aid shall not be combined with regular
5 wages to create a combined salary.

6 *c.* The teacher leadership supplement district cost as
7 calculated under section 257.10, subsection 12, is not subject
8 to a uniform reduction in accordance with section 8.31.

9 Sec. 52. CODE EDITOR DIRECTIVE. The Code editor shall
10 delete references in the Code, and Code language directly
11 related to the references, to sections and subsections of the
12 Code repealed by this division of this Act effective July 1,
13 2016.

15 This bill relates to programs and activities under the
16 purview of the department of education, the state board
17 of education, the college student aid commission, school
18 districts, and accredited nonpublic schools. The bill makes
19 appropriations and provides for establishment and retention
20 of certain fees and includes transition and effective date
21 provisions.

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1 coursework offered under the initiative.

2 The bill appropriates \$1,500,000 per year from the state
3 general fund for fiscal years 2013-2014, 2014-2015, and
4 2015-2016, to the department to be used for administering the
5 Iowa online learning initiative and for not more than three
6 full-time equivalent positions.

7 DIVISION II — TRAINING AND EMPLOYMENT OF TEACHERS. The bill
8 directs the department of education to develop and implement
9 a teach Iowa marketing and public outreach initiative by
10 January 1, 2014, and appropriates \$3 million from the general
11 fund of the state to the department for each of FY 2013-2014
12 and FY 2014-2015 for teach Iowa marketing, a public outreach
13 initiative, and a student teacher pilot project.

14 The bill provides five goals for the initiative: to motivate
15 high performing students to enter teacher preparation programs
16 and to enter the teaching profession in Iowa; to motivate
17 teacher candidates, especially those in science, technology,
18 engineering, and mathematics fields, to enter teacher
19 preparation programs and to enter the teaching profession in
20 Iowa; to recruit high-caliber teacher candidates to pursue
21 teaching careers in Iowa; to encourage teacher candidates to
22 pursue teaching careers in rural Iowa; and to inform the public
23 of the value of the teaching profession and of the importance
24 of Iowa's education system to the future of Iowa.

25 The bill directs the department of education to establish
26 an online state education job posting system. The system
27 is to be designed and implemented for the online posting of
28 education-related job openings. The system must be accessible
29 via the department's internet site and must include a mechanism
30 for the electronic submission of job openings for posting on
31 the system.

32 The bill requires school districts, charter schools, and
33 area education agencies to submit all of their job openings to
34 the department of education for posting on the system. The
35 bill requires the department to post all of its job openings

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1 on the system. The bill provides that accredited nonpublic
2 schools may, but are not required to, submit job openings to
3 the department for posting on the system.

4 The establishment of the online state education job posting
5 system is not to be construed to prohibit any employer from
6 advertising job openings and recruiting employees independently
7 of the system, to prohibit any employer from using another
8 method of advertising job openings or another applicant
9 tracking system in addition to the system, or to provide the
10 department of education with any regulatory authority in the
11 hiring process or hiring decisions of any employer other than
12 the department itself.

13 The bill establishes a teach Iowa scholar program within the
14 department of education to provide teach Iowa scholar grants
15 to selected high-caliber teachers. The department is required
16 to administer the program in collaboration with the college
17 student aid commission.

18 The bill directs the department to establish eligibility
19 criteria for teach Iowa scholar grants that at a minimum
20 requires that an applicant must have been in the top 25 percent
21 academically of students entering a state-approved teacher
22 preparation program, or have earned other comparable academic
23 credentials; and be preparing to teach in fields including but
24 not limited to science, technology, engineering, mathematics,
25 or a hard-to-staff subject as identified annually by the
26 department.

27 A selected applicant who has successfully completed an
28 approved practitioner preparation program is eligible for a
29 teach Iowa scholar grant for each year of full-time employment
30 completed in Iowa as a teacher for a school district, charter
31 school, area education agency, or accredited nonpublic school.
32 The bill provides that a teach Iowa scholar grant cannot exceed
33 \$4,000 per year per recipient, and cannot exceed \$20,000 total
34 per recipient over a five-year period.

35 The bill directs the state board of education to adopt rules



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1 for the teach Iowa scholar program in collaboration with the
2 college student aid commission. The rules are to include a
3 process for the department of education to determine which
4 eligible applicants will receive teach Iowa scholar grants.

5 The bill establishes a teach Iowa scholar fund in the state
6 treasury to be administered by the department of education
7 and to consist of moneys appropriated by the general assembly
8 and any other moneys received by the department for deposit
9 in the fund. The bill appropriates moneys in the fund to the
10 department for the program.

11 The bill directs the department of education to establish
12 a teach Iowa student teaching pilot project subject to an
13 appropriation of sufficient funds by the general assembly.
14 The department is required to establish the pilot project in
15 collaboration with two institutions of higher education which
16 offer state-approved teacher preparation programs. The two
17 institutions must include one regents institution and one
18 accredited private institution.

19 The pilot project will provide students in teacher
20 preparation programs with a one-year student teaching
21 experience. A participating institution of higher education
22 must work with school districts to place groups of students
23 in a student teaching experience for an entire academic
24 year, taking geographic diversity into consideration in the
25 selection of school districts. A participating institution
26 of higher education must also supervise the student teachers
27 in the classroom and provide the students with weekly on-site
28 instruction in pedagogy.

29 The bill repeals the teacher shortage loan forgiveness
30 program as of July 1, 2014. Unobligated and unencumbered
31 moneys in the teacher shortage loan forgiveness repayment
32 fund revert to the state general fund on July 1, 2014. Any
33 remaining obligations of the teacher shortage loan forgiveness
34 program continuing on or after July 1, 2014, will be met with
35 moneys in the teach Iowa scholar fund established by the bill.

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1 DIVISION III — ASSESSMENTS — IOWA PROMISE DIPLOMA
2 SEAL PROGRAM. The bill relates to student achievement,
3 including the administration of assessments to measure student
4 achievement and the establishment and implementation of the
5 Iowa promise diploma seal program for qualifying graduating
6 high school students. The bill appropriates \$4 million from
7 the general fund of the state to the department of education
8 for each of the next two fiscal years, FY 2013-2014 and FY
9 2014-2015, to pay for the costs of developing and implementing
10 the Iowa promise diploma seal program and to pay the cost of
11 providing Iowa's students with college entrance examinations
12 or other college and career readiness and universal constructs
13 assessments.
14 Under current law, the state board of education is required
15 to specify by rule that the district-wide assessment of student
16 progress that school districts must administer shall be the
17 assessment utilized by school districts statewide in the school
18 year beginning July 1, 2011. The bill amends the provision
19 that the requirement may be met using a successor assessment
20 administered by the same assessment provider.
21 The bill establishes an Iowa promise diploma seal program
22 within the department of education. The program must be
23 designed by the director of the department to define college-
24 and career-ready performance expectations that are aligned to
25 national and international college- and career-ready standards;
26 compel stronger alignment of curriculum, instruction, and
27 assessment with the knowledge, skills, and abilities most
28 predictive of student success in secondary and postsecondary
29 education programs, and in careers; identify high school
30 graduates who demonstrate specific competencies aligned with
31 college and career readiness; validate that students have met
32 specific expectations and demonstrated essential competencies
33 or skills identified by the department as important across
34 a range of education and career opportunities; recognize
35 students by awarding a diploma seal associated with specific

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1 subjects or areas of accomplishment; encourage participating
2 Iowa colleges and universities to grant automatic admission to
3 students awarded a seal or to exempt students awarded a seal
4 from additional placement or readiness testing, although the
5 diploma seal shall not replace the institutions' admissions
6 requirements; and encourage business and industry to establish
7 hiring preferences to students awarded a seal.

8 The bill also creates within the department an Iowa promise
9 diploma seal program council to regularly advise and make
10 recommendations to the director of the department of education
11 and the state board on the operation of the program. The
12 governor is charged with appointing the council's members.

13 The council shall submit its findings and recommendations
14 periodically and at least annually in a report to the governor,
15 the director, and the state board. The council is responsible
16 for recommending specific academic or skill areas for which
17 an Iowa promise diploma seal may be awarded; standards that
18 reflect the high quality of work a student must complete;
19 specific requirements and criteria for awarding a seal;
20 adjustments to types or categories of seals available for
21 award; a tiered implementation schedule that begins July 1,
22 2014, and results in full implementation of the program by
23 July 1, 2017; and strategies to encourage Iowa colleges and
24 universities to automatically admit or to exempt a student
25 who was awarded a seal from additional placement or readiness
26 testing and to encourage participating Iowa businesses and
27 industries to establish hiring preferences to an applicant who
28 was awarded a seal.

29 The council shall be comprised of at least 20 voting
30 members representing the secondary education community; the
31 postsecondary education community; small, medium, or large
32 business employers; local government; state government; and
33 economic development entities. Members shall be appointed
34 to reflect a balance between educators and noneducators. In
35 selecting individuals for appointment to the council, the

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1 governor must seek nominations from a number of business,
2 industry, and educational associations, alliances, and
3 councils; postsecondary institutions; and certain state
4 agencies.

5 Four members of the general assembly shall serve as ex
6 officio, nonvoting members of the council, and are eligible for
7 per diem and expenses.

8 The state board shall adopt, and may amend, standards,
9 requirements, and criteria for awarding an Iowa promise diploma
10 seal, which shall be made available to school districts and
11 participating accredited nonpublic schools not later than
12 July 1, 2014; and shall, by that date, adopt rules for the
13 administration of the program, including rules establishing
14 the minimum components of the program that are part of the
15 educational standards for grades 9 through 12.

16 Beginning July 1, 2014, school boards must implement the
17 program as part of the district's high school graduation
18 requirements and make the seals available to graduating high
19 school students who qualify under rules adopted by the state
20 board. Accredited nonpublic schools may participate in the
21 program and offer students the opportunity to participate.

22 DIVISION IV — TEACHER AND ADMINISTRATOR DEVELOPMENT
23 SYSTEM. The bill provides for changes relating to the
24 Iowa teaching standards and the Iowa standards for school
25 administrators, for the establishment of statewide systems
26 of evaluation for teachers and administrators and for
27 performance review requirements for teachers, and establishes
28 a council on educator development charged with reviewing
29 the current teacher and administrator evaluation systems
30 and current performance review requirements, and to make
31 recommendations to the director regarding improvement to the
32 evaluation and performance review requirements for teachers and
33 administrators, as appropriate. The bill appropriates \$500,000
34 from the general fund of the state to the department of
35 education for FY 2013-2014, and \$3.5 million for FY 2014-2015



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1 for developing and implementing an Iowa educator development
2 system and for the council.

3 EVALUATION AND PERFORMANCE REVIEW. The bill directs
4 the state board of education to adopt rules establishing
5 a statewide system of evaluation and performance review
6 requirements for teachers and a statewide system of evaluation
7 requirements for administrators. The statewide systems of
8 evaluation and performance for teachers and the statewide
9 system of evaluation for administrators shall align with
10 Iowa teaching standards or the Iowa standards for school
11 administrators, as appropriate, and shall use clear and concise
12 evaluation and performance review criteria and descriptors;
13 provide for a fair and balanced use of student outcome
14 measures; include a tiered evaluation or performance review
15 system that differentiates at least three levels of teacher
16 performance; and be applicable to all teachers and school
17 administrators, as appropriate, in a charter school, school
18 district, or area education agency (AEA).

19 DIRECTOR'S DUTIES. Current law directs the director of the
20 department of education to develop Iowa standards for school
21 administrators, which the bill amends to charge the director
22 with also reviewing and revising the standards as necessary.

23 The bill also charges the director with developing, for
24 implementation by July 1, 2015, Iowa teaching standards and
25 Iowa standards for school administrators designed specifically
26 for purposes of Code chapters 279, 284, and 284A. The
27 standards must be based on significant input from Iowa
28 educators and must align with nationally accepted teaching and
29 administrator standards. The director shall review and may
30 revise the standards as necessary. The bill provides for the
31 repeal of the current Iowa teaching standards effective July
32 1, 2015.

33 The director is also charged with reviewing and, where
34 necessary, revising the standards and requirements for the
35 evaluator training program that is established in Code section

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1 284.10; developing and implementing a coaching and support
2 system for teachers aligned with the Iowa teacher career
3 paths, leadership roles, and compensation framework proposed
4 by the department; and with developing and implementing a
5 coaching and support system for administrators aligned with the
6 beginning administrator mentoring and induction program that is
7 established in Code section 284A.5.

8 SCHOOL BOARD RESPONSIBILITIES. School boards are directed
9 to establish written evaluation criteria and to implement
10 annually evaluation procedures that are consistent with the
11 statewide system of evaluation for teachers and administrators
12 and with the performance review requirements for administrators
13 established by the state board, and with the requirements
14 established under the student achievement and teacher quality
15 program or the administrator quality program, as appropriate.

16 The bill provides for the repeal, effective July 1, 2015,
17 of the current Iowa teaching standards established in Code
18 section 284.3, subsection 1, and for repeal on that same date
19 of language in Code section 284A.3 that requires school boards
20 to provide for evaluations for administrators under individual
21 professional development plans and which authorizes school
22 boards to establish additional administrator standards and
23 related criteria.

24 COUNCIL ON EDUCATOR DEVELOPMENT. The director is required
25 to convene a council on educator development. The council must
26 make recommendations to the director concerning development
27 of a holistic vision of teacher and administrator development
28 and dissemination of this vision to schools, school districts,
29 and AEAs; methods designed to foster a culture of continuous
30 learning and improvement within schools, school districts, and
31 AEAs with differentiated supports for educators; Iowa teaching
32 standards and the Iowa standards for school administrators;
33 performance review criteria for teachers and evaluation
34 criteria for teachers and administrators; a method for
35 establishing a fair and balanced use of student outcome

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1 measures; and a means to differentiate levels of teacher
2 performance.

3 The council shall be comprised of at least 17 voting
4 members appointed by the director: Eight members representing
5 education stakeholders, four of whom shall be practitioners
6 knowledgeable about the Iowa core curriculum, and four of
7 whom shall be knowledgeable about current education research
8 and practice in educator quality; one member representing the
9 department of education and who will serve as chairperson of
10 the council; one member representing the AEAs; one member
11 representing a certified employee organization representing
12 teachers; one member representing a statewide organization
13 representing school administrators; one member representing
14 rural school districts selected by a statewide organization
15 representing school boards; one member representing an
16 organization made up of Iowa school districts with the largest
17 student enrollments; one member representing Iowa's approved
18 teacher preparation programs; one member representing Iowa's
19 approved administrator preparation programs; and one member
20 representing parents of Iowa elementary or secondary students.
21 The director may appoint additional education stakeholders.
22 Four members of the general assembly shall serve as ex officio,
23 nonvoting members of the council.

24 The council shall submit its findings and recommendations
25 to the state board of education, the governor, and the general
26 assembly by January 1, 2015.

27 The director shall consider the findings and recommendations
28 of the council to revise evaluator training in accordance with
29 Code section 256.9, subsection 63; and to develop a statewide
30 evaluation system and performance review requirements for
31 teachers and a statewide system of evaluation requirements for
32 administrators, which the director shall submit to the state
33 board of education for approval.

34 APPROPRIATIONS. From the appropriations made to the
35 department for fiscal years 2013-2014 and 2014-2015, the



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1 department may use up to \$300,000 each year for administrative
2 purposes and for three full-time equivalent positions.

3 The bill also makes a number of technical changes.

4 DIVISION V — IOWA TEACHER CAREER AND COMPENSATION MATTERS.

5 This bill establishes a framework for Iowa teacher career
6 paths, leadership roles, and compensation for school districts,
7 replacing the current Iowa teacher career path and salary
8 minimums effective July 1, 2016; amends the state school
9 foundation program to provide a teacher leadership supplement
10 to school districts; provides for an annual appropriation to
11 the department of education so that it may provide technical
12 assistance to school districts and area education agencies
13 (AEAs) for design and implementation of the framework; provides
14 for the establishment of a commission on educator leadership
15 and compensation; and provides for allocations under the
16 student achievement and teacher quality program, and makes
17 other related changes to Code chapter 284, which establishes
18 the program.

19 TEACHER LEADERSHIP SUPPLEMENT. Code section 257.1,
20 providing for the state school foundation program, is amended
21 to add the teacher leadership supplement to the combined
22 foundation base to provide that the district cost for total
23 teacher leadership supplement is funded entirely through state
24 aid, and to add the teacher leadership supplement to the
25 funding sources whose amounts should not be rounded to the
26 nearest whole dollar when computations are made.

27 Code section 257.9 is amended to establish a state cost per
28 pupil beginning with the school budget year beginning July
29 1, 2014, for the teacher leadership. Code section 257.10 is
30 amended to provide that the district cost of the total teacher
31 leadership supplement shall be added to a school district's
32 combined district cost.

33 For the budget year beginning July 1, 2014, the teacher
34 leadership supplement district cost per pupil shall be
35 calculated by the department of management considering the

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1 annual allocation of teacher leadership supplemental aid and
2 statewide student enrollment. For the budget year beginning
3 July 1, 2015, and succeeding budget years, the teacher
4 leadership supplement district cost per pupil for each school
5 district for a budget year is the teacher leadership supplement
6 program district cost per pupil for the base year plus the
7 teacher leadership supplement state allowable growth amount for
8 the budget year. Beginning July 1, 2015, if the department of
9 management determines that the unadjusted teacher leadership
10 supplement district cost of a school district for a budget
11 year is less than 100 percent of the unadjusted teacher
12 leadership supplement district cost for the base year for the
13 school district, the school district shall receive a budget
14 adjustment for that budget year equal to the difference. The
15 bill also provides that the use of the funds calculated for
16 the supplement shall comply with the requirements of the
17 student achievement and teacher quality program and shall be
18 distributed to teachers pursuant to the Code section which
19 establishes the framework.

20 FRAMEWORK AND TECHNICAL ASSISTANCE. Though school districts
21 have until July 1, 2016, to implement approved frameworks
22 or comparable systems of career paths and compensation that
23 contain differentiated multiple leadership roles, school
24 districts may, prior to that date, apply to the department
25 for early implementation of the framework or a comparable
26 system. The department is directed to establish criteria
27 and a process for application and approval of the framework
28 and comparable systems. The bill appropriates \$500,000 from
29 the general fund of the state annually to the department to
30 provide technical assistance with not more than two full-time
31 equivalent positions to school districts and AEAs in the design
32 and implementation of the framework. In distributing and
33 expending these moneys, the department must give priority to
34 school districts with enrollments of fewer than 600 students.
35 A teacher employed by an AEA may be included in a framework

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1 established by a school district if the AEA and the school
2 district enter into a contract for such purpose.

3 PLANNING GRANTS. Subject to an appropriation by the general
4 assembly, a school district may also apply to the department
5 for a planning grant to design an implementation strategy to
6 establish the framework established or a comparable system.
7 The application submitted to the department must reflect a
8 local decision-making process that includes representation
9 of administrators, teachers, and parents and guardians
10 of students. The department is directed to establish an
11 application for the awarding of planning grants.

12 FRAMEWORK DESIGN. The framework is designed to attract able
13 and promising new teachers by offering competitive starting
14 salaries and offering short-term and long-term professional
15 development and leadership opportunities, retain effective
16 teachers by providing enhanced career opportunities, promote
17 collaboration by developing and supporting opportunities for
18 teachers in schools and school districts statewide to learn
19 from each other, reward professional growth and effective
20 teaching by providing pathways for career opportunities that
21 involve increased leadership responsibilities and increased
22 compensation, and improve student achievement by strengthening
23 instruction.

24 CAREER AND LEADERSHIP ROLES AND COMPENSATION. The framework
25 includes five career or leadership roles for teachers. The
26 salary established in the bill for an initial teacher who meets
27 the requirements specified in the bill is at least \$35,000,
28 which amount also constitutes the minimum teacher salary for
29 the state. An initial teacher must meet the current definition
30 in the Code for a beginning teacher, but the initial teacher
31 must also complete a teacher residency during the first year
32 of employment that includes intensive supervision or mentoring
33 by a mentor teacher or lead teacher; sufficient collaboration
34 time to be able to observe and learn from model, mentor, and
35 lead teachers; a teaching load of not more than 75 percent

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1 student instruction to allow time for observation and learning;
2 a teaching contract that establishes an employment period which
3 is five days longer than that required for career teachers;
4 and for frequent observation, evaluation, and professional
5 development opportunities.

6 The second role, career teacher, requires the same
7 conditions as that specified in the current Iowa teacher career
8 path, but the compensation level for the career teacher is
9 unspecified in the bill.

10 The third role, model teacher, is a career teacher who
11 is evaluated by the school district as demonstrating the
12 competencies of a model teacher, has participated in a rigorous
13 review process, and has been recommended for a one-year
14 assignment as a model teacher by a site-based review council.
15 The term of the model teacher's teaching contract shall exceed
16 by five days the terms of career teachers' teaching contracts.
17 A model teacher shall receive annually a salary supplement of
18 at least \$2,000.

19 The fourth role, mentor teacher, is a teacher who is
20 evaluated by the school district as demonstrating the
21 competencies and superior teaching skills of a mentor teacher,
22 and has been recommended for a one-year assignment as a mentor
23 teacher by a site-based review council. The mentor teacher
24 must also participate in teacher professional development,
25 demonstrate continuous improvement in teaching, and possess the
26 skills and qualifications to assume leadership roles. A mentor
27 teacher shall have a teaching load of not more than 75 percent
28 student instruction to allow the teacher to mentor other
29 teachers. The mentor teacher's teaching contract shall exceed
30 by 10 days the terms of career teachers' teaching contracts. A
31 mentor teacher shall receive annually a salary supplement of at
32 least \$5,000.

33 The fifth role, lead teacher, is a teacher who has been
34 recommended for a one-year assignment as a lead teacher by a
35 site-based review council. The recommendation from the council

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1 must assert that the teacher possesses superior teaching skills
2 and the ability to lead adult learners. A lead teacher must
3 assume leadership roles that may include but are not limited
4 to the planning and delivery of professional development
5 activities; the facilitation of an instructional leadership
6 team within the lead teacher's building, school district, or
7 other school districts; the mentoring of other teachers; and
8 participation in the evaluation of student teachers. A lead
9 teacher shall have a teaching load of not more than 50 percent
10 student instruction to allow the lead teacher to spend time
11 on co-teaching; co-planning; peer reviews; observing career
12 teachers, model teachers, and mentor teachers; and other
13 duties mutually agreed upon by the superintendent and the lead
14 teacher. The term of the lead teacher's teaching contract
15 must exceed by 15 days the terms of career teachers' teaching
16 contracts. A lead teacher shall receive annually a salary
17 supplement of at least \$10,000.

18 A school district shall designate at least 10 percent of its
19 teachers as model teachers, 10 percent as mentor teachers, and
20 5 percent as lead teachers, though a district may enter into
21 an agreement with one or more other districts or an AEA to meet
22 these requirements through a collaborative arrangement.

23 Additional contract days must be used to strengthen
24 instructional leadership. The salary supplement received by
25 model, mentor, and lead teachers shall fully cover the salary
26 costs of the additional contract days. The determinations of
27 salary supplements are not subject to appeal.

28 An assignment is subject to review by the school's or the
29 school district's administration at least annually. The
30 review must include peer feedback. A teacher who completes
31 the time period of assignment as a model, mentor, or lead
32 teacher may apply to the school's or the school district's
33 administration for assignment in a new role if appropriate or
34 for reassignment.

35 SITE-BASED REVIEW COUNCIL. Each school board must appoint

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1 a site-based review council for each of the district's
2 attendance centers that is comprised of equal numbers of
3 teachers, administrators, and parents or guardians of students
4 enrolled in the attendance center. Teacher members shall
5 include teachers who conduct peer group reviews and who have
6 been nominated by the collective bargaining organization, if
7 one exists, that represents the teachers. The council must
8 accept and review applications submitted to the school's or the
9 school district's administration for assignment as a model,
10 mentor, or lead teacher, and make recommendations regarding
11 the applications to the school district superintendent. In
12 developing recommendations, the council must utilize measures
13 of teacher effectiveness and professional growth, consider
14 the needs of the school district, and review the performance
15 and professional development of the applicants. Any teacher
16 recommended for assignment as a model, mentor, or lead
17 teacher shall have demonstrated to the council's satisfaction
18 competency on the Iowa teaching standards.

19 TEACHER SALARY MONEYS. As under current Code section 284.7,
20 a school district shall use teacher salary supplement moneys
21 to raise teacher salaries to meet the requirements of the
22 framework, and a school district that is unable to meet the
23 requirements with those funds may request a waiver from the
24 department to use the district's early intervention allocation.

25 MODEL STRUCTURE IMPOSITION. On or after July 1, 2016,
26 each school district shall implement the framework or a
27 comparable system approved by the department. The department's
28 accreditation team is charged with determining compliance. A
29 school district is encouraged to utilize teachers emeritus.

30 FRAMEWORK IMPLEMENTATION. A school district that meets
31 the requirements of the Iowa teacher career path established
32 in Code section 284.7 is exempt from meeting the framework
33 requirements until July 1, 2016. The framework implemented
34 shall be applicable to the teachers in every attendance center.
35 The bill repeals Code section 284.7 and a related provision



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1 in Code section 284.8, and Code section 284.9, relating to
2 establishment of a review panel for advancement under the Iowa
3 teacher career path, effective July 1, 2016.

4 APPROPRIATION ALLOCATIONS. From moneys that the general
5 assembly appropriates for purposes of teacher leadership
6 supplemental aid payments to school districts for the student
7 achievement and teacher quality program, the bill allocates
8 to the department, for purposes of implementing frameworks
9 or comparable systems approved by the department, \$5 million
10 for FY 2013-2014; \$50 million for FY 2014-2015, FY 2015-2016,
11 and FY 2016-2017; and \$1.5 million for FY 2017-2018 and each
12 subsequent fiscal year.

13 Of the moneys allocated, not more than \$1 million shall be
14 used by the department for the development of a delivery system
15 implementing the career paths and leadership roles, including
16 but not limited to planning grants to districts and AEAs,
17 technical assistance for the department, technical assistance
18 for districts and AEAs, training and staff development, and the
19 contracting of external expertise and services. Annually, of
20 these funds, the department may use not more than \$500,000 for
21 administrative purposes and for not more than five full-time
22 equivalent positions.

23 For the initial school year for which a school district
24 implements an approved system, teacher leadership supplement
25 foundation aid payable to that school district shall be paid
26 from the allocation made for such purposes for that school
27 year. For that school year, the teacher leadership supplement
28 foundation aid payable to the school district is the product of
29 the teacher leadership district cost per pupil for the school
30 year multiplied by the school district's budget enrollment.

31 For budget years subsequent to the initial school year for
32 which a school district implemented a system and received
33 funding, the teacher leadership supplement foundation aid
34 payable to that school district shall be paid from the standing
35 unlimited appropriation for state foundation aid in Code



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1 section 257.16.

2 The bill establishes that the receipt of funding by a
3 school district for the purposes implementing career paths and
4 leadership roles, the need for additional funding for such
5 purposes, or the enrollment of eligible students under this
6 chapter, shall not be considered to be unusual circumstances,
7 create an unusual need for additional funds, or qualify under
8 any other circumstances that may be used by the school budget
9 review committee to grant supplemental aid to or establish
10 modified allowable growth for a school district.

11 The bill exempts teacher leadership supplement foundation
12 aid from a requirement that state aid for teacher compensation
13 be combined with regular wages to create a combined salary.

14 The teacher leadership supplement district cost is not
15 subject to a uniform reduction that may be implemented when
16 the governor determines that estimated budget resources for a
17 fiscal year are insufficient to pay all appropriations in full.

18 The state board is directed to adopt rules that assure
19 the allocation of resources in a manner that optimizes the
20 fulfillment of the purposes of providing state assistance for
21 teachers in high-need schools and for purposes of implementing
22 the framework or a comparable system.

23 COLLECTIVE BARGAINING CONSIDERATIONS. The bill prohibits,
24 from July 1, 2013, to June 30, 2017, the consideration of
25 moneys received by a school district for implementation of
26 the framework by an arbitrator or other third party under
27 collective bargaining in determining a comparison of the wages
28 of the teachers in that district with the wages of teachers in
29 another district.

30 REVERSIONS AND TRANSFERS OF MONEYS. The bill establishes
31 that moneys allocated for the student achievement and teacher
32 quality program shall not revert but shall remain available in
33 the succeeding fiscal year for expenditure for the purposes
34 designated. Such moneys may not be transferred by the
35 department for another purpose. Currently, moneys allocated

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1 for the establishment of teacher development academies that
2 remain unexpended at the end of the fiscal year shall revert
3 and may be transferred for other purposes.

4 COMMISSION ON EDUCATOR LEADERSHIP AND COMPENSATION. The
5 department is directed to appoint and provide staffing and
6 administrative support for a commission on educator leadership
7 and compensation. The commission shall monitor with fidelity
8 the implementation of the framework by school districts. The
9 commission shall also evaluate and make recommendations to
10 the department on applications submitted to the department
11 for approval of comparable systems, and on the expenditure
12 of moneys appropriated for teacher salary supplement and for
13 planning grants. In addition, the commission must review
14 the use and effectiveness of state assistance distributed to
15 school districts for teachers in high-need schools and, by
16 December 15 annually, shall submit all of its findings and any
17 recommendations in a report to the director of the department
18 of education, the state board of education, the governor, and
19 the general assembly.

20 RULES. The bill directs the state board to adopt rules
21 for the administration of Code chapter 284, and makes related
22 changes. The bill includes "initial teacher" within the
23 definition of "beginning teacher".

24 MENTOR TEACHER EXPERIENCE. A teacher assigned to mentor
25 a beginning teacher through the beginning teacher mentoring
26 and induction program must under the bill have two years,
27 rather than the current requirement of four years of successful
28 teaching practice.

29 PERFORMANCE REVIEWS. From provisions related to the
30 performance review, which is a summative evaluation of a
31 teacher other than a beginning teacher, the bill eliminates
32 Code language that states that the review is also used for
33 purposes of career advancement.

34 PROFESSIONAL DEVELOPMENT FUNDING PRIORITIES. Currently,
35 school districts and area education agencies must have as a



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1 goal for the use of state professional development funds the
2 provision of one additional contract day or the equivalent for
3 professional development. The bill strikes and replaces that
4 language with a requirement that districts and agencies make
5 implementation of the professional development provisions of
6 the teacher career paths and leadership roles the priority for
7 the use of the funds.

8 STATE SUPPLEMENTAL ASSISTANCE FOR TEACHERS IN HIGH-NEED
9 SCHOOLS. The bill provides for state assistance to encourage
10 school districts to provide supplemental assistance to teachers
11 to teach in high-need schools.

12 The bill requires the department to collect relevant data
13 and establish a list of high-need schools which shall be
14 eligible for state supplemental assistance. The department
15 must establish a process and criteria to determine which
16 schools are placed on the lists and must revise the lists
17 annually. Criteria for the determination of which high-need
18 schools shall be placed on the list shall be based upon factors
19 that include but are not limited to the socioeconomic status
20 of the students enrolled in the school, the percentage of
21 the school's student body who are limited English proficient
22 students, and the school's graduation rates.

23 The department's determination of state supplemental
24 assistance for teachers in high-need schools is not subject
25 to appeal. Moneys received by a school district for such
26 purpose shall be used to supplement and not supplant the salary
27 being received by a teacher in a high-need school, and shall
28 not be considered under Code chapter 20 by an arbitrator or
29 other third party in determining a comparison of the wages of
30 teachers in that high-need school with the wages of teachers in
31 other buildings or in another school district.

32 APPROPRIATION ALLOCATION. Also from moneys that the
33 general assembly appropriates for purposes of the student
34 achievement and teacher quality program, the bill allocates to
35 the department for the fiscal year beginning July 1, 2014, and



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1 for each subsequent fiscal year, \$10 million for purposes of
2 implementing the state supplemental assistance for teachers in
3 high-need schools provisions. The department may use a portion
4 of the funds for administrative purposes. The department is
5 directed to develop a standardized process for distributing the
6 moneys to school districts, and in determining the process for
7 distribution of the moneys, must take into consideration the
8 amount of money appropriated for the given year and the minimal
9 amount of money needed per teacher to motivate a teacher to
10 accept a teaching position in a high-need school. A school
11 district receiving moneys for incentives must certify annually
12 to the department how the moneys were used by the school
13 district.

14 REVIEW AND REPORT. The department must review the use and
15 effectiveness of the funds distributed to school districts for
16 supplemental assistance for teachers in high-need schools,
17 and must consider the commission on educator leadership and
18 compensation's findings and recommendations. The department
19 shall submit its findings and recommendations in a report to
20 the general assembly by January 15 annually.

21 UNIQUE LOCAL CONDITIONS AND NEEDS. A school district may
22 request on an annual basis approval from the department for
23 the addition of high-need schools based upon the unique local
24 conditions and needs of the school district. The criteria the
25 department uses to determine the placement of high-need schools
26 on its list does not restrict the department from adding a
27 high-need school as requested by a school district on the basis
28 of unique local conditions and needs.

29 TEACHER ELIGIBILITY FOR INCENTIVES. Teachers of all
30 subjects taught in a school included in the department's
31 list of high-need schools shall be eligible to receive state
32 supplemental assistance for teachers in high-need schools.

33 CODE EDITOR DIRECTIVE. The bill directs the Code editor
34 to delete Code references in the bill with respect to future
35 repeals of Code provisions.

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Senate File 10 - Introduced

SENATE FILE 10
BY JOHNSON

A BILL FOR

1 An Act extending a provision relating to the use of certain
2 increases in watercraft registration fees by the natural
3 resource commission.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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av/sc



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S.F. 10

1 Section 1. Section 462A.52, subsections 2 and 3, Code 2013,
2 are amended to read as follows:

3 2. Notwithstanding subsection 1, any increase in revenues
4 received on or after July 1, 2007, but on or before June
5 30, ~~2013~~ 2023, pursuant to this section as a result of fee
6 increases pursuant to 2005 Iowa Acts, ch. 137, shall be used
7 by the commission only for the administration and enforcement
8 of programs to control aquatic invasive species and for the
9 administration and enforcement of navigation laws and water
10 safety upon the inland waters of this state and shall be used
11 in addition to funds already being expended by the commission
12 each year for these purposes. The commission shall not reduce
13 the amount of other funds being expended on an annual basis for
14 these purposes as of July 1, 2005, during the period of the
15 appropriation provided for in this subsection.

16 3. The commission shall submit a written report to the
17 general assembly by December 31, 2007, and by December 31
18 of each year thereafter through December 31, ~~2013~~ 2023,
19 summarizing the activities of the department in administering
20 and enforcing programs to control aquatic invasive species
21 and administering and enforcing navigation laws and water
22 safety upon the inland waters of the state. The report shall
23 include information concerning the amount of revenues collected
24 pursuant to this section as a result of fee increases pursuant
25 to 2005 Iowa Acts, ch. 137, and how the revenues were expended.
26 The report shall also include information concerning the amount
27 and source of all other funds expended by the commission during
28 the year for the purposes of administering and enforcing
29 programs to control aquatic invasive species and administering
30 and enforcing navigation laws and water safety upon the inland
31 waters of the state and how the funds were expended.

32 EXPLANATION

33 This bill extends the designation of certain increases
34 in registration fees for watercraft for use by the natural
35 resource commission for an additional 10 years.

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S.F. 10

1 In 2005, registration fees for watercraft were raised, and
2 the increase in revenues received on or after July 1, 2007,
3 but on or before June 30, 2013, was designated for use by the
4 natural resource commission only for the administration and
5 enforcement of programs to control aquatic invasive species and
6 for the administration and enforcement of navigation laws and
7 water safety upon the inland waters of this state. These funds
8 were to be used in addition to funds already being expended by
9 the commission each year for those purposes and the commission
10 was prohibited from reducing the amount of other funds being
11 expended for those purposes as of July 1, 2005. The commission
12 was also required to submit an annual report to the general
13 assembly each year summarizing the activities of the department
14 of natural resources in carrying out those purposes.
15 The bill provides that this provision will sunset in 2023
16 instead of 2013.



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Senate File 11 - Introduced

SENATE FILE 11
BY ANDERSON

A BILL FOR

1 An Act increasing the default speed limit on hard surface roads
2 to sixty miles per hour.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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dea/nh



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S.F. 11

1 Section 1. Section 321.285, subsection 3, Code 2013, is
2 amended to read as follows:

3 3. Unless otherwise provided in this section or by other
4 speed restrictions, the speed limit for all vehicular traffic
5 shall be ~~fifty-five~~ sixty miles per hour.

6 EXPLANATION

7 This bill increases the speed limit from 55 to 60 miles per
8 hour on hard surface roads that are not subject to other speed
9 restrictions. The new speed limit applies on primary roads
10 other than certain divided, multilaned highways with a speed
11 limit of 65 miles per hour and on interstates, where the speed
12 limit is typically 70 miles per hour. The new speed limit also
13 applies on secondary roads surfaced with concrete or asphalt.
14 Under the bill, the department of transportation retains the
15 authority to lower the speed limit on any part of the primary
16 road system, and counties retain the right to lower the speed
17 limit on secondary roads.



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Senate File 6 - Introduced

SENATE FILE 6
BY HOGG

A BILL FOR

1 An Act increasing the maximum balance authorized for the Iowa
2 economic emergency fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1110XS (2) 85
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S.F. 6

1 Section 1. Section 8.54, subsection 5, Code 2013, is amended
2 to read as follows:

3 5. For fiscal years in which it is anticipated that the
4 distribution of moneys from the Iowa economic emergency fund
5 in accordance with section 8.55, subsection 2 2A, will result
6 in moneys being transferred to the general fund, the original
7 state general fund expenditure limitation amount provided for
8 in subsection 3 shall be readjusted to include the amount of
9 moneys anticipated to be so transferred.

10 Sec. 2. Section 8.55, subsection 2, Code 2013, is amended
11 to read as follows:

12 2. The maximum balance of the Iowa economic emergency fund
13 is ~~the~~ as follows:

14 a. For the fiscal year beginning July 1, 2013, an amount
15 equal to ~~two and one-half~~ five percent of the adjusted revenue
16 estimate for the fiscal year.

17 b. For the fiscal year beginning July 1, 2014, and
18 succeeding fiscal years, an amount equal to seven and one-half
19 percent of the adjusted revenue estimate for the fiscal year.

20 2A. If the amount of moneys in the Iowa economic emergency
21 fund is equal to the maximum balance, moneys in excess of this
22 amount shall be distributed as follows:

23 a. The first sixty million dollars of the difference between
24 the actual net revenue for the general fund of the state for
25 the fiscal year and the adjusted revenue estimate for the
26 fiscal year shall be transferred to the taxpayers trust fund.

27 b. The remainder of the excess, if any, shall be transferred
28 to the general fund of the state.

29 Sec. 3. Section 8.58, Code 2013, is amended to read as
30 follows:

31 **8.58 Exemption from automatic application.**

32 1. To the extent that moneys appropriated under section
33 8.57 do not result in moneys being credited to the general
34 fund under section 8.55, subsection 2 2A, moneys appropriated
35 under section 8.57 and moneys contained in the cash reserve

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1 fund, rebuild Iowa infrastructure fund, environment first
2 fund, Iowa economic emergency fund, and taxpayers trust fund
3 shall not be considered in the application of any formula,
4 index, or other statutory triggering mechanism which would
5 affect appropriations, payments, or taxation rates, contrary
6 provisions of the Code notwithstanding.

7 2. To the extent that moneys appropriated under section
8 8.57 do not result in moneys being credited to the general fund
9 under section 8.55, subsection 2 2A, moneys appropriated under
10 section 8.57 and moneys contained in the cash reserve fund,
11 rebuild Iowa infrastructure fund, environment first fund, Iowa
12 economic emergency fund, and taxpayers trust fund shall not be
13 considered by an arbitrator or in negotiations under chapter
14 20.

15 EXPLANATION

16 This bill increases the maximum balance of the Iowa economic
17 emergency fund in Code section 8.55 over a two-year period.
18 Under current law, the maximum balance for the fund is 2.5
19 percent of the adjusted revenue estimate for the fiscal year.
20 For the fiscal year beginning July 1, 2013, the percentage is
21 increased to 5 percent and for succeeding fiscal years the
22 percentage is increased to 7.5 percent.

23 The term "adjusted revenue estimate" is defined in Code
24 section 8.54 to mean the appropriate revenue estimate for the
25 general fund of the state for the fiscal year as determined by
26 the revenue estimating conference under Code section 8.22A,
27 subsection 3, by December 15 of the preceding fiscal year or
28 later if there is a reduction in the estimate, as adjusted by
29 subtracting estimated tax refunds payable from that estimated
30 revenue and as determined by the conference, adding any new
31 revenues which may be considered to be eligible for deposit in
32 the general fund of the state.

33 Under Code section 8.57, subsections 1, 2, and 3, the surplus
34 existing in the general fund of the state at the conclusion
35 of a fiscal year is appropriated for distribution in the

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1 succeeding fiscal year to the cash reserve fund and then the
2 Iowa economic emergency fund.
3 References to the subsection providing for transfer of
4 moneys from the Iowa economic emergency fund after the fund has
5 reached its maximum balance are revised to reflect renumbering
6 of the subsection by the bill in Code section 8.54, relating
7 to the state general fund expenditure limitation, and Code
8 section 8.58, exempting moneys appropriated for various reserve
9 funds from application any formula, index, or other statutory
10 triggering mechanism which would affect appropriations,
11 payments, or taxation rates and from consideration by an
12 arbitrator or in negotiations under public employee collective
13 bargaining.



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Senate File 7 - Introduced

SENATE FILE 7
BY HOGG

A BILL FOR

1 An Act prohibiting the disbursement of a certain plant,
2 including its seeds, commonly classified as oriental
3 bittersweet, within this state, and making penalties
4 applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1345XS (6) 85
da/sc



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S.F. 7

1 Section 1. Section 317.25, Code 2013, is amended to read as
2 follows:

3 317.25 ~~Teasel, Invasive plants prohibited — teasel,~~
4 ~~multiflora rose, and purple loosestrife prohibited — exceptions,~~
5 ~~and oriental bittersweet exception — penalty.~~

6 1. A person shall not import, sell, offer for sale, or
7 distribute teasel (*Dipsacus*) biennial, the multiflora rose
8 (*Rosa multiflora*), purple loosestrife (*Lythrum salicaria*),
9 purple loosestrife (*Lythrum virgatum*), or oriental bittersweet
10 (*Celastrus orbiculatus*), including the seeds of ~~them~~ those
11 plants, in any form in this state. However, this ~~section~~
12 subsection does not prohibit the sale, offer for sale, or
13 distribution of the multiflora rose (*Rosa multiflora*) used for
14 understock for either cultivated roses or ornamental shrubs in
15 gardens.

16 2. Any person violating ~~the provisions of this section~~
17 subsection 1 is subject to a fine ~~of not exceeding to exceed~~
18 one hundred dollars.

19 EXPLANATION

20 Current Code section 317.25 originated in 1973 when the
21 56th General Assembly prohibited the sale, offer for sale,
22 or distribution of teasel (*Dipsacus*) biennial or its seeds
23 (1973 Iowa Acts, ch. 206). Since then, the general assembly
24 has prohibited the importation of teasel, as well as the
25 importation, sale, offer for sale, or distribution of other
26 plants or their seeds classified as invasive, including the
27 multiflora rose (*Rosa multiflora*), and purple loosestrife
28 (*Lythrum salicaria* or *Lythrum virgatum*). This bill adds
29 oriental bittersweet (*Celastrus orbiculatus*) and its seeds to
30 that list. The bill provides that a person who imports, sells,
31 offers for sale, or distributes oriental bittersweet is subject
32 to the Code section's existing fine of not more than \$100.



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Senate File 8 - Introduced

SENATE FILE 8
BY SCHOENJAHN

A BILL FOR

1 An Act to require proof of financial liability coverage upon
2 registration of a motor vehicle.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1349XS (3) 85
dea/nh



Iowa General Assembly
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S.F. 8

1 Section 1. Section 321.20, subsection 1, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *g.* If the vehicle is a motor vehicle, the
4 owner shall certify on the application that financial liability
5 coverage is in effect for the motor vehicle and provide a copy
6 of the proof of financial liability coverage card issued for
7 the motor vehicle, a description of the financial liability
8 coverage as noted on the proof of financial liability coverage
9 card, or other documentation acceptable to the department.

10 Sec. 2. Section 321.30, Code 2013, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 4. The department or the county treasurer
13 shall refuse registration of a motor vehicle if the owner does
14 not provide satisfactory certification that financial liability
15 coverage is in effect for the motor vehicle.

16 Sec. 3. Section 321.40, Code 2013, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 10. A form for certification of financial
19 liability coverage shall accompany each renewal statement
20 sent to the owner of a motor vehicle under this section. The
21 county treasurer shall refuse to renew the registration of a
22 motor vehicle if the applicant does not submit certification of
23 financial liability coverage in effect for the motor vehicle.

24 EXPLANATION

25 This bill requires the owner of a motor vehicle to certify
26 that financial liability coverage is in effect for the
27 vehicle at the time the vehicle is registered and each time
28 the registration is renewed. At the time of application for
29 registration and certificate of title for a motor vehicle, the
30 owner is required to provide a copy of the proof of financial
31 liability coverage card issued for the motor vehicle, a
32 description of the coverage as noted on the card, or other
33 documentation acceptable to the department of transportation.
34 The county treasurer shall include a form for certification
35 of financial liability coverage with each renewal statement

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1 sent to the owner of a motor vehicle. The department or the
2 county treasurer shall not register a motor vehicle or renew
3 a registration in the absence of satisfactory proof that
4 financial liability coverage is in effect for the vehicle.



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Senate File 9 - Introduced

SENATE FILE 9
BY SODDERS

A BILL FOR

1 An Act concerning public safety by establishing a public
2 safety training and equipment trust fund, establishing a
3 public safety training and facilities task force, and making
4 appropriations.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1199XS (3) 85
ec/sc



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1 Section 1. NEW SECTION. 80B.11F Public safety training and
2 equipment trust fund.

3 1. A public safety training and equipment trust fund is
4 created in the state treasury under the control of the council.

5 2. The trust fund shall consist of moneys deposited in
6 the fund pursuant to section 432.1, subsection 7, and any
7 other devise, gift, bequest, donation, federal or other grant,
8 reimbursement, repayment, judgment, transfer, payment, or
9 appropriation from any source intended to be used for the
10 purposes of the trust fund. Of the moneys deposited in the
11 trust fund, an amount equal to ten percent of the moneys
12 deposited, or such lesser amount as determined by the council,
13 shall be allocated to a capital projects account for the
14 purposes of public safety training facility needs.

15 3. Moneys credited to the trust fund are not subject to
16 section 8.33 and shall not be transferred, used, obligated,
17 appropriated, or otherwise encumbered except as provided
18 in this section and for succeeding fiscal years shall
19 remain available for expenditure for purposes of the fund.
20 Notwithstanding section 12C.7, subsection 2, interest or
21 earnings on moneys deposited in the trust fund shall be
22 credited to the trust fund. Moneys shall not be appropriated
23 or expended from the trust fund until the first fiscal year
24 following the fiscal year in which the minimum balance of the
25 trust fund reaches eight million dollars.

26 4. a. Moneys in the trust fund shall be used for public
27 safety training costs incurred by the state or a political
28 subdivision of the state and for public safety personnel
29 equipment costs, excluding vehicles, incurred by the state or a
30 political subdivision of the state, subject to appropriation by
31 the general assembly. It is the intent of the general assembly
32 that all training costs incurred by the state or a political
33 subdivision be reimbursed from moneys in the trust fund and
34 that such remaining moneys in the trust fund, less such amount
35 needed for cash flow purposes of the trust fund, be used to

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1 reimburse public safety personnel equipment costs, excluding
2 vehicles.

3 **b.** Moneys in the capital projects account of the trust
4 fund shall be used for public safety training facility needs,
5 subject to appropriation by the general assembly.

6 Sec. 2. Section 432.1, Code 2013, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 7. **a.** Of the amount of premium tax
9 receipts collected pursuant to subsection 3 for the 2015 and
10 subsequent calendar years and deposited in the general fund
11 of the state, the department of revenue shall transfer the
12 applicable percent of such amount that exceeds the amount of
13 premium tax receipts collected pursuant to subsection 3 for
14 calendar year 2013 to the public safety training and equipment
15 trust fund created in section 80B.11F.

16 **b.** For purposes of this subsection, "*applicable percent*"
17 means as follows:

18 (1) For the 2015 through 2017 calendar years, one hundred
19 percent.

20 (2) For the 2018 calendar year, seventy-five percent.

21 (3) For the 2019 and subsequent calendar years, fifty
22 percent.

23 Sec. 3. PUBLIC SAFETY TRAINING AND FACILITIES TASK FORCE.

24 1. A public safety training and facilities task force is
25 established. The department of public safety shall provide
26 administrative support for the task force.

27 2. The task force shall consist of the following members:

28 a. One member appointed by the Iowa peace officers
29 association.

30 b. One member appointed by the Iowa state sheriffs' and
31 deputies' association.

32 c. One member appointed by the Iowa police chiefs
33 association.

34 d. One member who is a fire chief appointed by the Iowa fire
35 chiefs association.

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- 1 e. One member who is a fire chief appointed by the Iowa
2 association of professional fire chiefs.
- 3 f. One member who is the administrator of the Iowa fire
4 service training bureau or the administrator's designee.
- 5 g. Two members who are representatives of the fire service
6 appointed by the Iowa firefighters association.
- 7 h. The director of the Iowa law enforcement academy or the
8 director's designee.
- 9 i. The commissioner of the public safety or the
10 commissioner's designee.
- 11 j. Two members who are appointed by the Iowa professional
12 firefighters.
- 13 k. The state fire marshal or the state fire marshal's
14 designee.
- 15 l. The director of the department of corrections or the
16 director's designee.
- 17 m. One member appointed by the chief of the bureau of
18 emergency medical services of the Iowa department of public
19 health.
- 20 n. One member appointed by the Iowa emergency medical
21 services association.
- 22 o. One member appointed by the Iowa state police
23 association.
- 24 p. One member appointed by the state police officers council
25 who is representing peace officers within the department of
26 public safety.
- 27 q. One member appointed by the state police officers council
28 who is representing peace officers within the department of
29 natural resources.
- 30 r. One member who is the chief of the law enforcement bureau
31 of the department of natural resources or the chief's designee.
- 32 s. One member appointed by the governor who is a
33 public member who has no personal interest or occupational
34 responsibilities in the area of responsibility given to the
35 task force and represents the interests of the public in



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1 general.

2 t. One member appointed by the collective bargaining
3 unit that represents the largest number of employees in the
4 department of corrections.

5 u. One member appointed by the collective bargaining unit
6 that represents the largest number of jailers and dispatchers
7 in this state.

8 v. One member appointed by the Iowa association of community
9 college presidents.

10 3. The members of the task force shall select one
11 chairperson and one vice chairperson. The vice chairperson
12 shall preside in the absence of the chairperson. Section
13 69.16A shall apply to the appointed members of the task force.

14 4. The task force shall consider and develop strategies
15 relating to public safety training facility governance with
16 the goal of all public safety disciplines being represented.
17 Each public safety discipline shall advise the task force by
18 developing individual training policies as determined by the
19 discipline's governing bodies. The task force shall also
20 develop a proposal for a joint public safety training facility,
21 a budget for construction and future operation of the facility,
22 and potential locations for the facility that are centrally
23 located in this state.

24 5. a. The task force shall provide interim reports to the
25 general assembly by December 31 of each year concerning the
26 activities of the task force and shall submit its final report,
27 including its findings and recommendations, to the general
28 assembly by December 31, 2016.

29 b. The final report shall include but not be limited to
30 recommendations concerning the following:

31 (1) Consolidation of public safety governance within a
32 single board and the membership of the board.

33 (2) Development of a consolidated fire and police public
34 safety training facility, including possible locations,
35 building recommendations, and financing options.

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1 (3) The distribution of moneys from the public safety
2 training and equipment trust fund created in section 80B.11F.

3 (4) Any other recommendations relating to public safety
4 training and facilities requirements.

5 Sec. 4. PUBLIC SAFETY TRAINING AND FACILITIES TASK FORCE —
6 ADMINISTRATIVE SUPPORT. There is appropriated from the general
7 fund of the state to the department of public safety for the
8 fiscal year beginning July 1, 2013, and ending June 30, 2014,
9 the following amount, or so much thereof as is necessary, to be
10 used for the purposes designated:

11 For providing administrative support for the public safety
12 training and facilities task force as enacted in this Act:

13 \$ 50,000

14 Notwithstanding section 8.33, moneys appropriated in this
15 section that remain unencumbered or unobligated at the close of
16 the fiscal year shall not revert but shall remain available for
17 expenditure for the purposes designated until the close of the
18 fiscal year that begins July 1, 2016.

19 EXPLANATION

20 This bill concerns public safety training and facilities.

21 The bill establishes a public safety training and equipment
22 trust fund under the control of the Iowa law enforcement
23 academy council. The trust fund shall consist of moneys
24 deposited in the fund from insurance premiums tax receipts as
25 provided by the bill. Of the moneys deposited in the fund, 10
26 percent, or such lesser amount as determined by the council,
27 shall be allocated to a capital projects account of the trust
28 fund and shall be used for public safety facility needs. The
29 remaining moneys deposited in the fund shall be used for public
30 safety training costs and for public safety personnel equipment
31 costs, excluding vehicles, all incurred by the state or a
32 political subdivision of the state, subject to appropriation
33 by the general assembly. The bill provides that moneys shall
34 not be appropriated from the trust fund until the fiscal year
35 following the year the balance of the trust fund reaches \$8



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1 million. The bill provides that it is the intent of the
2 general assembly that training costs incurred by the state or a
3 political subdivision be fully reimbursed from moneys in the
4 fund and that the remaining moneys in the fund, less an amount
5 needed for cash flow purposes, be used to reimburse public
6 safety personnel equipment costs, except vehicles. Moneys in
7 the fund shall not revert to the general fund of the state, and
8 interest and earnings on moneys in the fund shall remain in the
9 fund.

10 Code section 432.1, concerning tax on gross insurance
11 premiums, is amended to provide that the applicable percent of
12 the moneys collected from premium tax receipts on insurance
13 policies, other than life insurance policies, in excess of the
14 amount collected for calendar year 2013, shall be transferred
15 to the public safety training and equipment trust fund created
16 by the bill beginning with premium tax receipts received during
17 calendar year 2015. The bill provides that the applicable
18 percent for calendar years 2015 through 2017 shall be 100
19 percent, for calendar year 2018, 75 percent, and for subsequent
20 calendar years, 50 percent.

21 The bill also establishes a public safety training and
22 facilities task force. The department of public safety shall
23 provide administrative support for the task force and the
24 bill appropriates moneys to the department for providing
25 this support. The bill specifies the membership of the task
26 force and provides that the task force shall consider and
27 develop strategies relating to public safety training facility
28 governance with the goal of all public safety disciplines
29 being represented. Each public safety discipline shall advise
30 the task force by developing individual training policies as
31 determined by the discipline's governing bodies. The bill
32 requires the task force to provide interim reports to the
33 general assembly by December 31 of each year and to submit a
34 final report, including its findings and recommendations, to
35 the general assembly by December 31, 2016. The bill provides

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1 that the final report shall include recommendations concerning
2 consolidation of public safety governance within a single
3 board and the membership of the board, the development of a
4 consolidated fire and police public safety training facility,
5 including possible locations, building recommendations,
6 and financing options, the distribution of moneys from the
7 public safety training and equipment trust fund, and any
8 other recommendations relating to public safety training and
9 facilities requirements.



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Senate Study Bill 1001 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

1 An Act requiring pulse oximetry screening for newborns in a
2 birthing hospital.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1177XC (1) 85
ad/nh

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S.F. _____

1 Section 1. Section 136A.5, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. Beginning October 1, 2013, the
4 department shall require each birthing hospital, as defined
5 in section 135.131, to perform a pulse oximetry screening on
6 every newborn in its care prior to discharge from the birthing
7 hospital. The department shall adopt rules to implement this
8 subsection.

9	EXPLANATION
---	-------------

10 This bill instructs the department of public health to
11 require birthing hospitals to perform a pulse oximetry
12 screening on every newborn in the facility's care prior to the
13 newborn's discharge from the hospital. A birthing hospital is
14 a private or public hospital that is licensed as a hospital by
15 the department of public health and has a licensed obstetric
16 unit or is licensed to provide obstetric services. A pulse
17 oximetry screening estimates the percentage of hemoglobin
18 in the blood that is saturated with oxygen and helps detect
19 congenital heart defects. The bill directs the department of
20 public health to adopt rules to implement the bill. The bill
21 requires birthing hospitals to comply with the pulse oximetry
22 screening requirement by October 1, 2013.



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Senate Study Bill 1002 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
WORKFORCE DEVELOPMENT BILL)

A BILL FOR

1 An Act relating to conformity with federal law concerning
2 unemployment insurance employer charges and claimant
3 misrepresentation regarding benefit overpayments, providing
4 a penalty, and including applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1129DP (4) 85
je/rj



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1 Section 1. Section 96.3, subsection 7, paragraph b,
2 subparagraph (1), Code 2013, is amended to read as follows:
3 (1) (a) If the department determines that an overpayment
4 has been made, the charge for the overpayment against the
5 employer's account shall be removed and the account shall
6 be credited with an amount equal to the overpayment from
7 the unemployment compensation trust fund and this credit
8 shall include both contributory and reimbursable employers,
9 notwithstanding section 96.8, subsection 5. The employer shall
10 not be relieved of charges if benefits are paid because the
11 employer or an agent of the employer failed to respond timely
12 or adequately to the department's request for information
13 relating to the payment of benefits. This prohibition
14 against relief of charges shall apply to both contributory and
15 reimbursable employers.
16 (b) However, provided the benefits were not received as the
17 result of fraud or willful misrepresentation by the individual,
18 benefits shall not be recovered from an individual if the
19 employer did not participate in the initial determination to
20 award benefits pursuant to section 96.6, subsection 2, and
21 an overpayment occurred because of a subsequent reversal on
22 appeal regarding the issue of the individual's separation
23 from employment. ~~The employer shall not be charged with the~~
24 ~~benefits.~~
25 Sec. 2. Section 96.16, subsection 4, Code 2013, is amended
26 to read as follows:
27 4. *Misrepresentation.*
28 a. An individual who, by reason of the nondisclosure or
29 misrepresentation by the individual or by another of a material
30 fact, has received any sum as benefits under this chapter
31 while any conditions for the receipt of benefits imposed by
32 this chapter were not fulfilled in the individual's case, or
33 while the individual was disqualified from receiving benefits,
34 shall, in the discretion of the department, either be liable
35 to have the sum deducted from any future benefits payable to

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1 the individual under this chapter or shall be liable to repay
2 to the department for the unemployment compensation fund, a
3 sum equal to the amount so received by the individual. If
4 the department seeks to recover the amount of the benefits by
5 having the individual pay to the department a sum equal to that
6 amount, the department may file a lien with the county recorder
7 in favor of the state on the individual's property and rights
8 to property, whether real or personal. The amount of the lien
9 shall be collected in a manner similar to the provisions for
10 the collection of past-due contributions in section 96.14,
11 subsection 3.

12 b. The department shall assess a penalty equal to fifteen
13 percent of the amount of a fraudulent overpayment. The penalty
14 shall be collected in the same manner as the overpayment. The
15 penalty shall be added to the amount of any lien filed pursuant
16 to paragraph "a" and shall not be deducted from any future
17 benefits payable to the individual under this chapter. Funds
18 received for overpayment penalties shall be deposited in the
19 unemployment trust fund.

20 Sec. 3. APPLICABILITY. The section of this Act amending
21 section 96.3, subsection 7, relating to relief of charges
22 applies to any overpayment determination issued on or after
23 July 1, 2013.

24 Sec. 4. APPLICABILITY. The section of this Act amending
25 section 96.16, subsection 4, providing a penalty relating to
26 fraudulent overpayment applies to any fraudulent overpayment
27 issued on or after July 1, 2013.

28 EXPLANATION

29 This bill conforms the state unemployment compensation law
30 to the requirements of sections 251 and 252 of the federal
31 Trade Adjustment Assistance Extension Act of 2011, Pub. L. No.
32 112-40.

33 The bill prohibits the department of workforce development
34 from relieving an employer of charges against the employer's
35 account for an overpayment of unemployment compensation

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2/3



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1 benefits if the overpayment occurred because the employer or an
2 agent of the employer failed to respond timely or adequately
3 to the department's request for information relating to the
4 payment of the benefits.

5 The bill removes the prohibition against charging an
6 employer's account for an overpayment of unemployment
7 compensation benefits when the overpayment is not recovered
8 from the claimant because the employer did not participate in
9 an initial determination to award benefits and the overpayment
10 occurred because of a subsequent reversal on appeal regarding
11 the issue of the claimant's separation from employment.

12 The bill establishes a penalty on individuals who receive
13 unemployment compensation benefits through fraud. The penalty
14 is equal to 15 percent of the amount of the overpayment and is
15 to be collected in the same manner as the overpayment but shall
16 not be collected from any future benefits.

17 The bill applies to any overpayment determination or
18 fraudulent overpayment issued on or after July 1, 2013.



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Senate Study Bill 1003 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to matters under the purview of the department
2 of natural resources, including the registration and titling
3 of snowmobiles and all-terrain vehicles, the restore the
4 outdoors program, and protected wetlands.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1301DP (2) 85
dea/nh



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S.F. _____ H.F. _____

1 DIVISION I
2 SNOWMOBILE AND ALL-TERRAIN VEHICLE TITLING REGISTRATION
3 Section 1. Section 321G.29, subsection 3, Code 2013, is
4 amended to read as follows:
5 3. An owner of a snowmobile shall apply to the county
6 recorder for issuance of a certificate of title within thirty
7 days after acquisition. The application shall be on forms
8 the department prescribes and accompanied by the required
9 fee. The application ~~shall be signed and sworn to before a~~
10 ~~notarial officer as provided in chapter 9B or other person~~
11 ~~who administers oaths,~~ or shall include a certification
12 signed in writing containing substantially the representation
13 that statements made are true and correct to the best of the
14 applicant's knowledge, information, and belief, under penalty
15 of perjury. The application shall contain the date of sale
16 and gross price of the snowmobile or the fair market value if
17 no sale immediately preceded the transfer and any additional
18 information the department requires. If the application is
19 made for a snowmobile last previously registered or titled in
20 another state or foreign country, the application shall contain
21 this information and any other information the department
22 requires.
23 Sec. 2. Section 321I.31, subsection 3, Code 2013, is amended
24 to read as follows:
25 3. An owner of an all-terrain vehicle shall apply to
26 the county recorder for issuance of a certificate of title
27 within thirty days after acquisition. The application shall
28 be on forms the department prescribes and accompanied by the
29 required fee. The application ~~shall be signed and sworn to~~
30 ~~before a notary public as provided in chapter 9B or other~~
31 ~~person who administers oaths,~~ or shall include a certification
32 signed in writing containing substantially the representation
33 that statements made are true and correct to the best of the
34 applicant's knowledge, information, and belief, under penalty
35 of perjury. The application shall contain the date of sale and

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1 gross price of the all-terrain vehicle or the fair market value
2 if no sale immediately preceded the transfer and any additional
3 information the department requires. If the application is
4 made for an all-terrain vehicle last previously registered or
5 titled in another state or foreign country, the application
6 shall contain this information and any other information the
7 department requires.

8

DIVISION II

9

RESTORE THE OUTDOORS PROGRAM

10 Sec. 3. REPEAL. Section 461A.3A, Code 2013, is repealed.

11

DIVISION III

12

PROTECTED WETLANDS

13 Sec. 4. Section 427.1, subsection 23, unnumbered paragraph
14 1, Code 2013, is amended to read as follows:

15 Land designated as native prairie or land designated as
16 a protected wetland, as defined in section 456B.1, by the
17 department of natural resources ~~pursuant to section 456B.12.~~

18 Sec. 5. Section 456B.1, subsection 4, Code 2013, is amended
19 to read as follows:

20 4. "*Protected wetlands*" means type 3, type 4, and type
21 5 wetlands as described in circular 39, "Wetlands of the
22 United States", 1971 Edition, published by the United States
23 department of the interior, or a palustrine emergent wetland
24 with a water regime of seasonally flooded, semipermanently
25 flooded, or permanently flooded as described in classification
26 of wetlands and deepwater habitats of the United States,
27 originally published in 1979 by the United States fish and
28 wildlife service. However, a protected wetland does not
29 include land where an agricultural drainage well has been
30 plugged causing a temporary wetland or land within a drainage
31 district or levee district.

32 Sec. 6. REPEAL. Sections 456B.12, 456B.13, 456B.14, and
33 654A.16, Code 2013, are repealed.

34

EXPLANATION

35 This bill concerns matters administered by the department of

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1 natural resources.

2 DIVISION I — SNOWMOBILE AND ALL-TERRAIN VEHICLE TITLING
3 AND REGISTRATION. Currently, an application for a certificate
4 of title for a snowmobile or all-terrain vehicle must either
5 be signed and sworn to before a notary public or other person
6 who administers oaths, or include the applicant's signed
7 certification that statements made in the application are
8 true and correct. The bill strikes the language relating to
9 notarization of the application, requiring only the signed
10 certification by the owner.

11 DIVISION II — RESTORE THE OUTDOORS PROGRAM. The bill
12 repeals the restore the outdoors program whose stated
13 purpose is to provide funding for new and existing vertical
14 infrastructure projects in existing state parks and other
15 public facilities managed by the department.

16 DIVISION III — PROTECTED WETLANDS. The bill amends
17 the definition of "protected wetlands" to include certain
18 palustrine emergent wetlands. The bill repeals Code section
19 456B.12, relating to the department's designation of protected
20 wetlands and marshes of each county and the procedure by which
21 affected landowners may challenge a preliminary wetlands
22 designation; Code section 456B.13, requiring a person to obtain
23 a permit from the department to drain a protected wetland
24 and citing exceptions for certain activities; Code section
25 456B.14, relating to civil penalties for violation of permit
26 requirements; and Code section 654A.16, relating to mediation
27 between the department and landowners affected by a preliminary
28 wetland designation.



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Senate Study Bill 1004 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to pollution prevention and waste management
2 assistance.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1196DP (6) 85
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1 Section 1. Section 455B.481, subsections 1 through 3, Code
2 2013, are amended to read as follows:

3 1. The purpose of this part is to promote the proper and
4 ~~safe storage, treatment, and disposal~~ management of solid,
5 hazardous, and low-level radioactive wastes in Iowa. The
6 ~~management of these wastes generated within Iowa is the~~
7 ~~responsibility of Iowans. It is the intent of the general~~
8 ~~assembly that Iowans assume this responsibility to the extent~~
9 ~~consistent with the protection of public health, safety, and~~
10 ~~the environment, and that Iowans insure that waste management~~
11 ~~practices, as alternatives to land disposal, including source~~
12 ~~reduction, recycling, compaction, incineration, and other forms~~
13 ~~of waste reduction, are employed.~~

14 2. ~~It is also the intent of the general assembly that a~~
15 ~~comprehensive waste management plan be established by the~~
16 ~~department which includes: the determination of need and~~
17 ~~adequate regulatory controls prior to the initiation of site~~
18 ~~selection; the process for selecting a superior site determined~~
19 ~~to be necessary; the establishment of a process for a site~~
20 ~~community to submit or present data, views, or arguments~~
21 ~~regarding the selection of the operator and the technology~~
22 ~~that best ensures proper facility operation; the prohibition~~
23 ~~of shallow land burial of hazardous and low-level radioactive~~
24 ~~wastes; the establishment of a regulatory framework for a~~
25 ~~facility; and the establishment of provisions for the safe~~
26 ~~and orderly development, operation, closure, postclosure, and~~
27 ~~long-term monitoring and maintenance of the facility.~~

28 3. 2. In order to meet capacity assurance requirements
29 of section 104k of the federal Superfund Amendments and
30 Reauthorization Act of 1986, Pub. L. No. 99-499, and further
31 the objectives of waste minimization, the The department, in
32 cooperation with the small business assistance center at the
33 university of northern Iowa Iowa waste reduction center for
34 safe and economic management of solid waste and hazardous
35 substances established in section 268.4, shall work with



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1 generators of hazardous wastes in the state to develop and
2 implement aggressive waste minimization programs. ~~The goal~~
3 ~~of these programs is to reduce the volume of hazardous waste~~
4 ~~generated in the state as a whole by twenty-five percent of~~
5 ~~the amount generated as of January 1, 1987, as reported in the~~
6 ~~biennial reports collected by the United States environmental~~
7 ~~protection agency. The twenty-five percent reduction goal~~
8 ~~shall be reached as expeditiously as possible and no later than~~
9 ~~July 1, 1994. In meeting the reduction goal, elements "a"~~
10 ~~through "d" of the hazardous waste management hierarchy shall~~
11 ~~be utilized. The department, in cooperation with the small~~
12 ~~business assistance center, shall reassess the twenty-five~~
13 ~~percent reduction goal in 1994. The department shall promote~~
14 ~~research and development, provide and promote educational~~
15 ~~and informational programs, promote and encourage provide~~
16 confidential, voluntary technical assistance to hazardous waste
17 generators, promote assistance by the ~~small business assistance~~
18 Iowa waste reduction center, and promote other activities by
19 the public and private sectors that support this goal. ~~In~~
20 ~~the promotion of the goal, the following hazardous waste~~
21 ~~management pollution prevention hierarchy, in descending order~~
22 ~~of preference, is established by the department:~~

- 23 ~~a.~~ Source reduction for waste elimination.
24 ~~b.~~ Reuse.
25 ~~c.~~ On-site recycling.
26 ~~e.,~~ d. Off-site recycling.
27 ~~d.,~~ e. Waste treatment.
28 ~~e.,~~ f. Incineration Combustion with energy recovery.
29 ~~f.,~~ g. Land disposal.

30 Sec. 2. Section 455B.481, subsections 4 and 5, Code 2013,
31 are amended by striking the subsections.

32 Sec. 3. Section 455B.482, Code 2013, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 7A. "*Pollution prevention*" means employment
35 of a practice that reduces the industrial use of toxic

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1 substances or reduces the environmental and health hazards
2 associated with an environmental waste without diluting or
3 concentrating the waste before the release, handling, storage,
4 transport, treatment, or disposal of the waste.

5 Sec. 4. Section 455B.484, Code 2013, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 1A. Implement the waste management policy
8 provided in section 455B.481.

9 Sec. 5. Section 455B.484, subsections 2, 3, 4, 6, 7, 9, and
10 10, Code 2013, are amended by striking the subsections.

11 Sec. 6. Section 455B.484A, subsection 1, paragraph c, Code
12 2013, is amended to read as follows:

13 c. "Assistance program" means the ~~waste reduction assistance~~
14 pollution prevention program of the department or of the Iowa
15 waste reduction center for safe and economic management of
16 solid waste and hazardous substances conducted pursuant to
17 section 268.4.

18 Sec. 7. Section 455B.485, subsections 3 and 5, Code 2013,
19 are amended by striking the subsections.

20 Sec. 8. Section 455B.486, subsection 1, Code 2013, is
21 amended by striking the subsection.

22 Sec. 9. Section 455B.487, subsection 1, Code 2013, is
23 amended to read as follows:

24 1. The commission shall adopt rules establishing criteria
25 for the identification of land areas or sites which are
26 suitable for the operation of facilities for the management
27 of ~~hazardous and~~ low-level radioactive wastes. Upon request,
28 the department shall assist in locating suitable sites for the
29 location of a facility. The commission may purchase or condemn
30 land to be leased or used for the operation of a facility
31 subject to chapter 6A. Consideration for a contract for
32 purchase of land shall not be in excess of funds appropriated
33 by the general assembly for that purpose. The commission may
34 lease land purchased under this section to any person including
35 the state or a state agency. This section authorizes the state

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1 to own or operate ~~hazardous waste facilities and~~ low-level
2 radioactive waste facilities, subject to the approval of the
3 general assembly.

4 Sec. 10. Section 455B.487, subsection 8, Code 2013, is
5 amended by striking the subsection.

6 Sec. 11. Section 455C.12, subsection 1, Code 2013, is
7 amended to read as follows:

8 1. Any person violating the provisions of section 455C.2,
9 455C.3, or 455C.5, ~~and 455C.8,~~ or a rule adopted under this
10 chapter, shall be guilty of a simple misdemeanor.

11 Sec. 12. Section 455D.1, subsections 3, 5, and 7, Code 2013,
12 are amended by striking the subsections.

13 Sec. 13. Section 455D.1, Code 2013, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 4A. "*Pollution prevention techniques*" means
16 any of the following practices employed by the user of a toxic
17 substance:

18 a. Input substitution, which is the replacement of a toxic
19 substance or raw material used in a production process with a
20 nontoxic or less toxic substance.

21 b. Product reformulation, which is the substitution of an
22 end product which is nontoxic or less toxic upon use or release
23 for an existing end product.

24 c. Production process redesign or modification, which is
25 the development and use of production processes of a different
26 design other than those currently in use.

27 d. Production process modernization, which is the upgrading
28 or replacing of existing production process equipment or
29 methods with other equipment or methods based on the same
30 production process.

31 e. Improved operation and maintenance of existing production
32 process equipment and methods, which is the modification or
33 addition to existing equipment or methods, including but not
34 limited to such techniques as improved housekeeping practices,
35 system adjustments, product and process inspections, and

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1 production process control equipment or methods.

2 *f.* Recycling, reuse, or extended use of toxic substances by
3 using equipment or methods that become an integral part of the
4 production process.

5 Sec. 14. Section 455D.3, subsections 1 and 3, Code 2013, are
6 amended to read as follows:

7 1. ~~Year 1994 and 2000 goals~~ Waste reduction goals.

8 *a.* The goal of the state is to reduce the amount of
9 materials in the waste stream, existing as of July 1, 1988, by
10 an intermediate goal of twenty-five percent by July 1, 1994,
11 and by a final goal of at least fifty percent by July 1, 2000,
12 through the practice of waste volume reduction at the source
13 and through recycling. For the purposes of this section, "waste
14 stream" means the disposal of solid waste as "solid waste" is
15 defined in section 455B.301.

16 *b.* Notwithstanding section 455D.1, subsection 6, facilities
17 which employ combustion of solid waste with energy recovery
18 and refuse-derived fuel, which are included in an approved
19 comprehensive plan, may include these processes in the
20 definition of recycling for the purpose of meeting the state
21 goal if at least thirty-five percent of the fifty percent waste
22 reduction goal, ~~required to be met by July 1, 2000, pursuant~~
23 ~~to this section,~~ is met through volume reduction at the source
24 and recycling and reuse, as established pursuant to section
25 455B.301A, subsection 1, paragraphs "a" and "b".

26 3. Departmental monitoring.

27 *a.* ~~By October 31, 1994, a planning area shall submit to~~
28 ~~the department a solid waste abatement table which is updated~~
29 ~~through June 30, 1994. By April 1, 1995, the department shall~~
30 ~~report to the general assembly on the progress that has been~~
31 ~~made by each planning area on attainment of the July 1, 1994,~~
32 ~~twenty-five percent goal.~~

33 ~~{1}~~ If at any time the department determines that a planning
34 area has met or exceeded the twenty-five percent goal, but has
35 not met or exceeded the fifty percent goal, a planning area



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1 shall subtract sixty cents from the total amount of the tonnage
2 fee imposed pursuant to section 455B.310. If at any time the
3 department determines that a planning area has met or exceeded
4 the fifty percent goal, a planning area shall subtract fifty
5 cents from the total amount of the tonnage fee imposed pursuant
6 to section 455B.310. The reduction in tonnage fees pursuant
7 to this ~~subparagraph~~ paragraph shall be taken from that
8 portion of the tonnage fees which would have been allocated for
9 funding alternatives to landfills pursuant to section 455E.11,
10 subsection 2, paragraph "a", subparagraph (1).

11 ~~(2)~~ b. If the department determines that a planning area
12 has failed to meet the ~~July 1, 1994~~, twenty-five percent
13 goal, the planning area shall, ~~at a minimum, implement the~~
14 ~~solid waste management techniques as listed in subsection~~
15 ~~4. Evidence of implementation of the solid waste management~~
16 ~~techniques shall be documented in subsequent comprehensive~~
17 ~~plans submitted to the department~~ remit fifty cents per
18 ton to the department. The moneys shall be deposited in
19 the groundwater protection fund created in section 455E.11,
20 subsection 2, paragraph "a", and credited to the solid waste
21 account of the fund to be used for funding alternatives to
22 landfills pursuant to section 455E.11, subsection 2, paragraph
23 "a", subparagraph (1). Moneys shall continue to be remitted
24 pursuant to this paragraph until such time as evidence of
25 attainment of the twenty-five percent goal is documented in
26 subsequent plans submitted to the department.

27 ~~b. (1) By October 31, 2000, a planning area shall submit to~~
28 ~~the department, a solid waste abatement table which is updated~~
29 ~~through June 30, 2000. By April 1, 2001, the department shall~~
30 ~~report to the general assembly on the progress that has been~~
31 ~~made by each planning area on attainment of the July 1, 2000,~~
32 ~~fifty percent goal.~~

33 ~~(2)~~ c. If at any time the department determines that a
34 planning area has met or exceeded the fifty percent goal, the
35 planning area shall subtract fifty cents from the total amount



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1 of the tonnage fee imposed pursuant to section 455B.310. This
2 amount shall be in addition to any amount subtracted pursuant
3 to paragraph "a". The reduction in tonnage fees pursuant
4 to this ~~subparagraph~~ paragraph shall be taken from that
5 portion of the tonnage fees which would have been allocated to
6 funding alternatives to landfills pursuant to section 455E.11,
7 subsection 2, paragraph "a", subparagraph (1). ~~Except for fees~~
8 ~~required under subsection 4, paragraph "a", a~~ A planning area
9 failing to meet the fifty percent goal is not required to remit
10 any additional tonnage fees to the department.

11 Sec. 15. Section 455D.3, subsections 2 and 4, Code 2013, are
12 amended by striking the subsections.

13 Sec. 16. Section 455D.6, subsections 1, 6, and 7, Code 2013,
14 are amended to read as follows:

15 1. Unless otherwise specified in this chapter, recommend
16 rules to the commission which are necessary to implement
17 this chapter. ~~Initial recommendations shall be made to the~~
18 ~~commission no later than July 1, 1991.~~

19 6. Develop a strategy and recommend to the commission the
20 adoption of rules necessary to implement a strategy for white
21 goods and waste oil ~~by January 1, 1990.~~

22 7. Develop a strategy and recommend to the commission
23 the adoption of rules necessary to implement ~~by January 1,~~
24 ~~2004,~~ a strategy for the recycling of electronic goods and
25 the disassembling and removing of toxic parts from electronic
26 goods.

27 Sec. 17. Section 455D.6, subsections 2, 5, 8, 9, and 10,
28 Code 2013, are amended by striking the subsections.

29 Sec. 18. Section 455D.7, subsection 1, Code 2013, is amended
30 to read as follows:

31 1. Unless otherwise specified in this chapter, adopt rules
32 necessary to implement this chapter pursuant to chapter 17A.
33 ~~Initial rules shall be adopted no later than April 1, 1992.~~

34 Sec. 19. Section 455D.7, subsection 4, Code 2013, is amended
35 by striking the subsection.

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1 Sec. 20. Section 455D.9, subsections 1, 2, 3, and 6, Code
2 2013, are amended to read as follows:

3 1. ~~Beginning January 1, 1991, land~~ Land disposal of yard
4 waste as defined by the department is prohibited. However,
5 yard waste which has been separated at its source from other
6 solid waste may be accepted by a sanitary landfill for the
7 purposes of soil conditioning or composting.

8 2. The department shall assist local communities in the
9 development of collection systems for yard waste generated
10 from residences and shall assist in the establishment of
11 local composting facilities. ~~Within one hundred twenty days~~
12 ~~of the adoption of rules by the department regarding yard~~
13 ~~waste, each~~ Each city and county shall, by ordinance, require
14 persons within the city or county to separate yard waste from
15 other solid waste generated. ~~Municipalities which provide~~
16 ~~a collection system for solid waste shall provide for a~~
17 ~~collection system for yard waste which is not composted.~~

18 3. The department shall ~~develop~~ adopt rules which define
19 yard waste and provide for the safe and proper method of
20 composting. ~~The rules adopted for a composting facility to be~~
21 ~~located on property owned by an applicant for a permit prior~~
22 ~~to July 1, 1992, when the property is located within twenty~~
23 ~~miles of a metropolitan area of two hundred fifty thousand or~~
24 ~~more, shall require that prior to the issuance of a permit for~~
25 ~~a composting facility, the applicant shall submit an economic~~
26 ~~impact statement to the department. For the purpose of this~~
27 ~~subsection, "economic impact statement" means an estimate of~~
28 ~~the economic impact of the siting of a composting facility at a~~
29 ~~specific location on affected property owners~~ yard waste and
30 other organic materials.

31 6. This section prohibits the ~~incineration~~ open burning of
32 yard waste within the permitted boundary at a sanitary disposal
33 project.

34 Sec. 21. Section 455D.12, subsection 2, unnumbered
35 paragraph 1, Code 2013, is amended to read as follows:

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1 ~~Beginning July 1, 1992,~~ a A person shall not distribute,
2 sell, or offer for sale in this state a plastic bottle or rigid
3 plastic container unless the product is labeled with a code
4 indicating the plastic resin used to produce the bottle or
5 container. Rigid plastic bottles or rigid plastic containers
6 with labels and basecups of a different material shall be coded
7 by their basic material. The code shall consist of a number
8 placed within a triangle of arrows and letters placed below the
9 triangle of arrows. The triangle shall be equilateral, formed
10 by three arrows with the apex of each point of the triangle
11 at the midpoint of each arrow, rounded with a short radius.
12 The arrowhead of each arrow shall be at the midpoint of each
13 side of the triangle with a short gap separating the pointer
14 from the base of the adjacent arrow. The triangle, formed by
15 the three arrows curved at their midpoints, shall depict a
16 clockwise path around the code number. The numbers and letters
17 used shall be as follows:

18 Sec. 22. Section 455D.12, subsection 3, Code 2013, is
19 amended by striking the subsection.

20 Sec. 23. Section 455D.15, subsection 2, Code 2013, is
21 amended by striking the subsection and inserting in lieu
22 thereof the following:

23 2. The fund shall be utilized by the department for
24 providing technical assistance to Iowa businesses in developing
25 and implementing pollution prevention techniques.

26 Sec. 24. Section 455D.15, subsection 3, Code 2013, is
27 amended by striking the subsection.

28 Sec. 25. Section 455E.8, subsections 2 and 3, Code 2013, are
29 amended by striking the subsections.

30 Sec. 26. REPEAL. Sections 455B.516, 455B.517, 455B.518,
31 455C.8, and 455C.15, Code 2013, are repealed.

32 EXPLANATION

33 This bill relates to pollution prevention and waste
34 management assistance.

35 The bill amends the waste management assistance provisions

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1 of Code chapter 455B by updating the waste management policy.
2 The bill includes reuse and combustion with energy recovery in
3 the pollution prevention hierarchy and removes incineration
4 from the hierarchy.

5 The bill includes a new definition for "pollution
6 prevention" and uses the term to replace "hazardous waste
7 management" and "waste reduction assistance". The bill
8 eliminates references to hazardous waste throughout Code
9 chapter 455B, division IV, part 9, including duties of the
10 department and the environmental protection commission relating
11 to hazardous waste and the location, acquisition, and operation
12 of hazardous waste management facilities.

13 The bill eliminates certain definitions from Code chapter
14 455D for terms no longer used in the chapter.

15 Currently, the waste stream reduction goals include a 25
16 percent reduction by July 1, 1994, and 50 percent reduction by
17 July 1, 2000. The goals are based on the waste stream existing
18 as of July 1, 1988. The bill eliminates the references to July
19 1, 1994, and July 1, 2000, but retains the 25 and 50 percent
20 goals as intermediate and final goals. The bill eliminates
21 provisions related to the date-specific goals. The bill
22 eliminates mandatory solid waste management techniques for
23 planning areas that fail to meet the 25 percent reduction goal.

24 The bill eliminates many of the duties of the department in
25 relation to waste management and includes a new general duty to
26 implement the waste management policy.

27 The bill eliminates certain duties of the director of the
28 department of natural resources. The bill eliminates redundant
29 language relating to the duty of the director to receive moneys
30 for deposit in the waste reduction and recycling trust fund.
31 The bill eliminates duties including the providing of financial
32 assistance for certain waste reduction and recycling markets
33 and industries; the study of technology for the reclamation
34 and recycling of refrigerant; and the identification of
35 products made from recycled or recovered materials. The bill

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1 also eliminates certain expired deadlines and other outdated
2 requirements.

3 The bill eliminates two duties of the environmental
4 protection commission in relation to waste management policy.
5 The duties relate to budget requests and approval of certain
6 contracts and agreements.

7 The bill eliminates a duty of the commission to recommend
8 to the general assembly, annually, the imposition of waste
9 abatement fees, rebates, and deposits.

10 The bill eliminates certain municipal requirements related
11 to yard waste. The bill eliminates certain rules requirements
12 for composting related to economic impact statements. The bill
13 expands the definition of composting to include yard waste and
14 other organic materials.

15 The bill eliminates a requirement that the department
16 maintain a list of label codes for plastic containers.

17 The bill amends provisions related to the waste volume
18 reduction and recycling fund. The bill eliminates a
19 requirement that grants from the fund be awarded based on the
20 solid waste management hierarchy. The bill provides that the
21 fund shall be utilized for purposes of providing technical
22 assistance to Iowa businesses in developing and implementing
23 pollution prevention techniques.

24 The bill eliminates two duties of the director of the
25 department relating to groundwater reporting requirements.

26 The bill repeals Code sections 455B.516, 455B.517, and
27 455B.518, which relate to the toxics pollution prevention
28 program. The bill repeals Code section 455C.8, relating to the
29 prohibition against snap-top cans, and Code section 455C.15,
30 relating to the prohibition against plastic cans.



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Senate Study Bill 1005 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to water quality.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 455B.103A, subsection 1, paragraph b,
2 Code 2013, is amended to read as follows:
3 b. Following the effective date of a general permit, a
4 person proposing to conduct activities covered by the general
5 permit shall provide a notice of intent to conduct a covered
6 activity on a form provided by the department. A person shall
7 also provide public notice of intent to conduct activities
8 other than storm water and allowable nonstorm water discharges
9 covered under the general permit by publishing notice in two
10 newspapers with the largest circulation in the area in which
11 the facility is located. Notice of the discontinuation of
12 a permitted activity other than storm water and allowable
13 nonstorm water discharges shall be provided in the same manner.

14 Sec. 2. Section 455B.186, Code 2013, is amended to read as
15 follows:

16 **455B.186 Prohibited actions.**

17 1. A pollutant shall not be disposed of by dumping,
18 depositing, or discharging such pollutant into any water of
19 the state, except that this section shall not be construed to
20 prohibit the discharge of adequately treated sewage, industrial
21 waste, or other waste ~~pursuant to a permit issued by the~~
22 ~~director~~ in accordance with rules adopted by the commission. A
23 pollutant whether treated or untreated shall not be discharged
24 into any state-owned natural or artificial lake except as
25 authorized in subsection 2.

26 2. A Subsection 1 shall not be construed to prohibit the use
27 or application of a pesticide in accordance with the federal
28 Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136
29 et seq. However, an aquatic pesticide shall not be applied
30 to any water of this state which has been classified by the
31 department as a class "A" or class "C", high quality, or high
32 quality resource water, except that this section shall not be
33 construed to prohibit the application of such a pesticide by a
34 certified applicator who is trained in aquatic applications and
35 who has received a permit from the department the United States

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1 except as authorized in accordance with rules adopted by the
2 commission.

3 Sec. 3. Section 455B.265, subsection 1, Code 2013, is
4 amended to read as follows:

5 1. In its consideration of applications for permits, the
6 department shall give priority in processing to persons in the
7 order that the applications are received, except where the
8 application of this processing priority system prevents the
9 prompt approval of routine applications or where the public
10 health, safety, or welfare will be threatened by delay. If the
11 department determines after investigation that the diversion,
12 storage, or withdrawal is consistent with the principles and
13 policies of beneficial use and ensuring conservation, the
14 department shall grant a permit. An application for a permit
15 shall be approved or denied within ninety days from the date
16 that the department receives the complete application. A
17 renewal permit shall be approved or denied by the department
18 within thirty days from the date that the department receives
19 an a complete application for renewal. If the applicant
20 requests an extension of the time allotted, the department
21 may approve the request to allow the applicant more time
22 to submit additional information to resolve a contested or
23 complex application. A complete application which is not
24 denied or granted an extension of time within ninety days of
25 receipt is approved by default. Regardless of the request in
26 the application, and subject to appeal, the director or the
27 department ~~on appeal~~ may determine the duration and frequency
28 of withdrawal and the quantity of water to be diverted,
29 stored, or withdrawn pursuant to the permit. Each permit
30 granted after July 1, 1986, shall include conditions requiring
31 routine conservation practices, and requiring implementation
32 of emergency conservation measures after notification by the
33 department.

34 Sec. 4. Section 466.8, Code 2013, is amended to read as
35 follows:

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1 **466.8 On-site wastewater systems assistance program.**

2 1. The department of natural resources shall establish an
3 on-site wastewater systems assistance program for the purpose
4 of providing low-interest loans to homeowners ~~residing outside~~
5 ~~the boundaries of a city~~ for improving on-site wastewater
6 disposal systems.

7 ~~1.~~ 2. The environmental protection commission shall adopt
8 rules for carrying out the program including but not limited
9 to criteria for homeowner participation, the methods used to
10 provide loans, and financing terms and limits.

11 ~~2.~~ 3. The department may make and execute agreements with
12 public or private entities, including lending institutions
13 as defined in section 12.32, as required to administer the
14 program.

15 ~~3.~~ 4. Assistance provided to homeowners shall not be used
16 to pay the nonfederal share of the cost of any wastewater
17 system projects receiving grants under the federal Clean Water
18 Act, 33 U.S.C. § 1381 - 1387.

19 ~~4. The department shall report to the general assembly~~
20 ~~annually on the progress of the on-site wastewater systems~~
21 ~~assistance program.~~

22 Sec. 5. Section 466.9, subsection 3, paragraph a,
23 subparagraph (1), Code 2013, is amended to read as follows:

24 (1) The financing account which shall be used for the
25 exclusive purpose of providing financing to homeowners ~~residing~~
26 ~~outside the boundaries of a city~~ with improving on-site
27 wastewater systems under the on-site wastewater systems
28 assistance program.

29 EXPLANATION

30 This bill relates to water quality.

31 Currently, there are public notice requirements for the
32 intent to conduct or discontinue permitted activity under
33 certain general permits issued pursuant to Code chapter 455B,
34 459, 459A, or 459B relating to storm water discharge or an air
35 contaminant source. The notice must be given in two newspapers

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1 with the largest circulation in the area in which the permitted
2 facility is located. The bill provides that storm water and
3 allowable nonstorm water discharges are not activities that
4 would require such notice.

5 The bill allows aquatic pesticides to be applied to waters
6 of the United States in accordance with rules adopted by the
7 environmental protection commission.

8 The bill allows an applicant for a permit for diversion,
9 storage, or withdrawal of water to receive a time extension
10 in the permitting process to provide the applicant with more
11 time to submit additional information to resolve a contested
12 or complex application. The bill provides that a complete
13 application which is not denied or granted an extension of time
14 within 90 days of receipt is approved by default.

15 Currently, a borrower under the on-site wastewater systems
16 assistance program must reside outside the boundaries
17 of a city. The bill eliminates the residential location
18 requirement. The bill also eliminates an annual reporting
19 requirement for the department under the program.



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Senate Study Bill 1006 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to certain license requirements under the
2 purview of the natural resource commission.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 483A.24, subsection 6, Code 2013, is
2 amended to read as follows:

3 6. a. A fishing license shall not be required of minor
4 pupils of the state school for the blind, state school for
5 the deaf, or of minor residents of other state institutions
6 under the control of an administrator of a division of the
7 department of human services. In addition, a person who is
8 on active duty with the armed forces of the United States,
9 on authorized leave from a duty station located outside of
10 this state, and a resident of the state of Iowa shall not be
11 required to have a license to hunt or fish in this state. The
12 military person shall carry the person's leave papers and a
13 copy of the person's current earnings statement showing a
14 deduction for Iowa income taxes while hunting or fishing. In
15 lieu of carrying the person's earnings statement, the military
16 person may also claim residency if the person is registered to
17 vote in this state. If a deer or wild turkey is taken, the
18 military person shall immediately contact a state conservation
19 officer to obtain an appropriate tag to transport the animal.
20 A fishing license shall not be required of residents of county
21 care facilities or any person who is receiving supplementary
22 assistance under chapter 249.

23 b. A person who is on active duty with the armed forces
24 of the United States and lives in this state, and who is a
25 nonresident, may apply to purchase any hunting, fishing, or
26 trapping license, or pay any fees, at the same price as a
27 person who is a resident of Iowa. The commission shall, by
28 rule, establish the requirements for issuance of a hunting,
29 fishing, or trapping license, and for the payment of fees,
30 pursuant to this paragraph and provide for an application to be
31 used by an applicant requesting a license or paying a fee under
32 this paragraph.

33 Sec. 2. Section 483A.27, subsections 1 and 2, Code 2013, are
34 amended to read as follows:

35 1. a. A person born after January 1, 1972, shall not

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1 obtain a hunting license unless the person has satisfactorily
2 completed a hunter safety and ethics education course approved
3 by the commission. A person who is eleven years of age or more
4 may enroll in an approved hunter safety and ethics education
5 course, but a person who is eleven years of age and who has
6 successfully completed the course shall be issued a certificate
7 of completion which becomes valid on the person's twelfth
8 birthday. A certificate of completion from an approved hunter
9 safety and ethics education course issued in this state, or a
10 certificate issued by another state, country, or province for
11 completion of a course that meets the standards adopted by the
12 international hunter education association, is valid for the
13 requirements of this section.

14 b. Notwithstanding paragraph "a", the requirement that
15 a person must have a certificate of completion of a hunter
16 safety and ethics education course in order to obtain a hunting
17 license is waived for a person who is on active duty with the
18 armed forces of the United States or for a person who served on
19 active duty with the armed forces of the United States and was
20 honorably discharged.

21 2. a. A certificate of completion shall not be issued
22 to a person who has not satisfactorily completed a minimum
23 of ten hours of training in an approved hunter safety and
24 ethics education course. The department shall establish the
25 curriculum for the first ten hours of an approved hunter
26 safety and ethics education course offered in this state.
27 Upon completion of the ten-hour curriculum, each person shall
28 pass an individual oral test or a written test provided by
29 the department. The department shall establish the criteria
30 for successfully passing the tests. Based on the results of
31 the test and demonstrated safe handling of a firearm, the
32 instructor shall determine the persons who shall be issued a
33 certificate of completion.

34 b. Notwithstanding paragraph "a", a resident who is eighteen
35 years of age or older may obtain a certificate of completion

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1 without demonstrating the safe handling of a firearm.

2 EXPLANATION

3 This bill relates to certain license requirements under the
4 purview of the natural resource commission.

5 Code section 483A.24(6) is amended to provide that certain
6 minor pupils at state institutions, residents of county care
7 facilities, and persons receiving supplementary assistance
8 under Code chapter 249 do not need a license to fish in this
9 state. In addition, a person who is on active duty with the
10 armed forces of the United States and lives in this state,
11 but is a nonresident, may purchase any hunting, fishing,
12 or trapping license, or pay any fees, at the same price as
13 a person who is a resident of Iowa. The natural resource
14 commission shall, by rule, establish the requirements for
15 licenses issued and fees paid pursuant to the bill and provide
16 for an application to be used when requesting such a license or
17 paying a fee.

18 Code section 483A.27 is amended to provide that a person who
19 is on active duty with the armed forces of the United States,
20 or who served on active duty with the armed forces of the
21 United States and was honorably discharged, is not required to
22 complete a hunter safety and ethics education course in order
23 to obtain a hunting license. In addition, a resident who is 18
24 years of age or older may obtain a certificate of completion
25 of the course without demonstrating the safe handling of a
26 firearm.



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Senate Study Bill 1007 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to radon control by requiring the state
2 building code commissioner to adopt statewide radon control
3 standards in residential construction, requiring that
4 radon testing, mitigation, or abatement be conducted in
5 schoolhouses and certain residential buildings, requiring
6 certain notifications, providing an income tax credit,
7 and making penalties applicable and including retroactive
8 applicability provisions.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. **NEW SECTION. 103A.8D Residential construction**
2 **requirements and standards for radon control.**

3 The state building code commissioner shall adopt as a part
4 of the state building code construction requirements and
5 standards for radon control in new residential construction.
6 The requirements and standards adopted by the commissioner
7 shall, if possible, be based upon a nationally recognized
8 standard or code for radon control in residential construction.
9 Notwithstanding any other provision of this chapter to the
10 contrary, the construction requirements and standards for radon
11 control adopted by the commissioner and approved by the council
12 shall apply to new residential construction commenced on or
13 after January 1, 2015, and shall supersede and replace any
14 minimum requirements and standards for radon control in new
15 residential construction adopted or enacted by a governmental
16 subdivision prior to that date. The state building code
17 commissioner may provide training to builders, contractors, and
18 other interested persons on the construction requirements and
19 standards for radon control in residential construction.

20 Sec. 2. Section 103A.10, Code 2013, is amended by adding the
21 following new subsection:

22 **NEW SUBSECTION. 6.** Notwithstanding any other provision of
23 this chapter to the contrary, the construction requirements and
24 standards for radon control in new residential construction
25 adopted by the commissioner and approved by the council shall
26 apply to all new residential construction commenced on or after
27 January 1, 2015, and shall supersede and replace any minimum
28 requirements or standards for radon control in new residential
29 construction adopted or enacted by the governmental subdivision
30 prior to that date.

31 Sec. 3. Section 136B.2, subsection 1, paragraph b, Code
32 2013, is amended to read as follows:

33 b. A Except as otherwise provided in section 558A.4,
34 subsection 1, and section 562A.13, subsection 7, a person shall
35 not disclose to any other person, except to the department,

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1 the address or owner of a nonpublic building that the person
2 tested for the presence of radon gas and radon progeny, unless
3 the owner of the building waives, in writing, this right of
4 confidentiality. Any test results disclosed shall be results
5 of a test performed within the five years prior to the date of
6 the disclosure.

7 Sec. 4. Section 136B.2, subsection 2, Code 2013, is amended
8 to read as follows:

9 2. a. Notwithstanding the requirements of this section,
10 disclosure to any person of the results of a test performed
11 on a nonpublic building for the presence of radon gas and
12 radon progeny is not required if the results do not exceed the
13 currently established United States environmental protection
14 agency action guidelines, except as otherwise provided in
15 section 558A.4, subsection 1, and section 562A.13, subsection
16 7.

17 b. A Except as otherwise provided in section 558A.4,
18 subsection 1, and section 562A.13, subsection 7, a person
19 who tests a nonpublic building which the person owns is not
20 required to disclose to any person the results of a test for
21 the presence of radon gas or progeny if the test is performed
22 by the person who owns the nonpublic building.

23 Sec. 5. Section 136B.4, Code 2013, is amended to read as
24 follows:

25 **136B.4 Fees — rules.**

26 1. The department shall establish a fee schedule to defray
27 the costs of the for the certification and credentialing
28 programs established pursuant to section 136B.1 and the testing
29 conducted and the written reports provided pursuant to section
30 136B.3. Moneys collected from such fees shall be deposited in
31 the radon education fund created in section 136B.7.

32 2. The department shall adopt rules, pursuant to chapter
33 17A, to implement this chapter.

34 Sec. 6. NEW SECTION. **136B.6 Residential construction**
35 **with the use of public funds — radon testing and abatement**

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1 **requirements.**

2 1. The owner of any residential building constructed with
3 public funds in this state shall upon completion of such
4 construction test the building for the presence of radon gas
5 and radon progeny. The test shall be conducted by a person
6 certified to conduct such testing pursuant to section 136B.1.
7 The cost of the test shall be paid by the owner of the building.

8 2. If the results of testing in such a building exceed the
9 currently established United States environmental protection
10 agency action guidelines, the owner of such a building is
11 required to retain a person credentialed pursuant to section
12 136B.1 to perform appropriate radon abatement measures.

13 3. This section shall only apply to an owner receiving
14 public funds after July 1, 2013, for the construction of a
15 residential building.

16 4. A person who violates this section shall not be subject
17 to the provisions of section 136B.5.

18 **Sec. 7. NEW SECTION. 136B.7 Radon education fund.**

19 1. A radon education fund is created in the state treasury
20 to be administered by the department of public health. The
21 fund shall consist of all moneys deposited into the fund
22 pursuant to section 136B.4.

23 2. Moneys in the fund shall be used by the department to
24 provide radon program education.

25 3. Notwithstanding section 12C.7, subsection 2, interest or
26 earnings on moneys in the fund shall be credited to the fund.

27 **Sec. 8. NEW SECTION. 297.7A Radon testing requirements.**

28 1. The board of each school district shall require that each
29 schoolhouse within the district be scheduled for testing and be
30 tested for radon gas and radon progeny pursuant to chapter 136B
31 at least once every ten years by a person certified to conduct
32 such testing pursuant to section 136B.1.

33 2. If the results of testing in a schoolhouse exceed the
34 currently established United States environmental protection
35 agency action guidelines, the school district is required to

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1 retain a person credentialed pursuant to section 136B.1 to
2 perform appropriate radon abatement measures.

3 Sec. 9. NEW SECTION. 422.10A Radon mitigation and abatement
4 tax credit.

5 1. The taxes imposed under this division, less the credits
6 allowed under section 422.12, shall be reduced by a radon
7 mitigation and abatement tax credit equal to the lesser of the
8 qualified radon mitigation or abatement costs incurred by the
9 owner of an owner-occupied residence or five hundred dollars.
10 Any credit in excess of the tax liability shall be refunded.

11 2. a. In order for costs of a radon mitigation or abatement
12 project to qualify for a tax credit under this section, the
13 radon mitigation or abatement project must receive approval
14 from a person credentialed under section 136B.1 in abating the
15 level of radon in buildings.

16 b. Approval certifications of mitigation or abatement
17 by a credentialed person shall be on forms approved by the
18 department of public health and shall contain information as
19 required by the department of public health. The information
20 shall, at a minimum, include the approximate date of the start
21 of mitigation or abatement, the approximate date of completion
22 of mitigation or abatement, and the cost of mitigation or
23 abatement.

24 c. The department of public health shall adopt rules
25 identifying costs that qualify as radon mitigation or abatement
26 costs.

27 3. a. Upon completion of the radon mitigation or abatement
28 project, a certification of completion must be obtained from
29 the department of public health. A completion certificate
30 shall identify the person claiming the tax credit under this
31 section and the qualified radon mitigation or abatement costs
32 incurred during the radon mitigation or abatement project.

33 b. The combined amount of qualified radon mitigation or
34 abatement costs certified by the department under subsection 4
35 to receive as tax credits shall not exceed five million dollars

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1 for a fiscal year.

2 4. After verifying the eligibility for the tax credit, the
3 department of public health shall issue a radon mitigation and
4 abatement tax credit certificate to be attached to the person's
5 tax return. Pursuant to the limitation on the amount of tax
6 credit certificates that may be issued for a fiscal year, the
7 tax credit certificates shall be issued on an earliest filed
8 basis. The tax credit certificate shall contain the taxpayer's
9 name, address, tax identification number, the date of project
10 completion, the amount of credit, and other information
11 required by the department of revenue.

12 5. A radon mitigation or abatement project that does not
13 meet the requirements of this section is subject to revocation,
14 repayment, or recapture of tax credits claimed pursuant to this
15 section.

16 Sec. 10. Section 558A.4, subsection 1, paragraph a, Code
17 2013, is amended to read as follows:

18 a. (1) The disclosure statement shall include information
19 relating to the condition and important characteristics of the
20 property and structures located on the property, including
21 significant defects in the structural integrity of the
22 structure, as provided in rules which shall be adopted by the
23 real estate commission pursuant to section 543B.9. The rules
24 may require the disclosure to include information relating
25 to the property's zoning classification; the condition of
26 plumbing, heating, or electrical systems; or the presence of
27 pests.

28 (2) The rules shall require that testing for radon gas
29 and radon progeny be conducted pursuant to chapter 136B on
30 residential structures containing four or fewer dwelling units
31 prior to the sale of the property, and shall require the
32 disclosure of such test results to prospective buyers of the
33 property.

34 Sec. 11. Section 562A.13, Code 2013, is amended by adding
35 the following new subsection:

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1 NEW SUBSECTION. 7. The landlord or a person authorized to
2 enter into a rental agreement on behalf of the landlord shall
3 disclose to each tenant in writing before the commencement of
4 the tenancy the results of radon testing conducted pursuant
5 to section 562A.15, subsection 1, paragraph "g", along with
6 information on the health risks posed by radon gas and radon
7 progeny published by the department of public health. The
8 landlord or a person authorized to enter into a rental
9 agreement on behalf of the landlord shall also disclose this
10 information to current tenants immediately upon receiving the
11 results of such tests.

12 Sec. 12. Section 562A.15, subsection 1, Code 2013, is
13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. g. By January 1, 2015, and every ten years
15 thereafter, test for the presence of radon gas and radon
16 progeny. A test required pursuant to this paragraph shall
17 be conducted by a person certified to conduct such testing
18 pursuant to section 136B.1.

19 Sec. 13. STATE MANDATE FUNDING SPECIFIED. In accordance
20 with section 25B.2, subsection 3, the state cost of requiring
21 compliance with any state mandate included in this Act shall
22 be paid by a school district from state school foundation aid
23 received by the school district under section 257.16. This
24 specification of the payment of the state cost shall be deemed
25 to meet all of the state funding-related requirements of
26 section 25B.2, subsection 3, and no additional state funding
27 shall be necessary for the full implementation of this Act
28 by and enforcement of this Act against all affected school
29 districts.

30 Sec. 14. RETROACTIVE APPLICABILITY. The following
31 provision or provisions of this Act apply retroactively to
32 January 1, 2013, for tax years beginning on or after that date:

33 1. The section of this Act enacting section 422.10A.

34 EXPLANATION

35 This bill relates to radon control standards in residential

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1 construction, establishes certain radon testing or abatement to
2 be conducted in schoolhouses and certain residential buildings,
3 and provides an income tax credit for certain radon mitigation
4 and abatement costs.

5 The bill requires that the building code commissioner, with
6 the approval of the building code advisory council, adopt
7 requirements and standards for radon control in new residential
8 construction. The bill provides that the standards shall
9 supersede and replace any minimum radon control requirements
10 and standards for new residential construction adopted by
11 governmental subdivisions in Iowa. The bill requires that the
12 requirements and standards be mandatory for all new residential
13 construction beginning on or after January 1, 2015.

14 Any person who fails to comply with an order to remedy
15 any condition in violation of the adopted requirements and
16 standards within 30 days after service or within the time
17 fixed for compliance, whichever is longer, shall be guilty of
18 a simple misdemeanor pursuant to Code section 103A.21. Any
19 owner, builder, architect, tenant, contractor, subcontractor,
20 construction superintendent or their agents, or any other
21 person taking part or assisting in the construction or use
22 of any building or structure who knowingly violates such
23 requirements and standards shall also be guilty of a simple
24 misdemeanor. A simple misdemeanor is punishable by confinement
25 for no more than 30 days or a fine of at least \$65 but not more
26 than \$625 or by both.

27 The bill creates a radon education fund to be administered by
28 the department of public health to be used by the department
29 to provide radon program education. The bill provides that
30 certain fees collected by the department be deposited into this
31 fund. Current law provides that these fees be dedicated to
32 certain other uses by the department.

33 The bill requires the owner of any residential building
34 constructed with public funds to test the building for the
35 presence of radon gas and radon progeny upon completion of

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1 such construction. The bill requires that an owner of such
2 a building perform appropriate abatement measures if the
3 testing results exceed the currently established United States
4 environmental protection agency action guidelines. These
5 requirements shall apply to owners receiving public funds after
6 July 1, 2013, for the construction of residential buildings.

7 The bill requires that the school board of each school
8 district require each schoolhouse within the district be
9 scheduled for testing and be tested for radon gas and radon
10 progeny at least once every 10 years. The bill requires that
11 a district perform appropriate abatement measures if the
12 testing results exceed the currently established United States
13 environmental protection agency action guidelines.

14 The bill requires that the real estate commission adopt
15 rules requiring testing for radon gas and radon progeny of
16 residential buildings containing four or fewer dwelling units
17 prior to the sale of such property and requires that such
18 results be disclosed to potential buyers of the property.

19 The bill provides that residential landlords shall by
20 January 1, 2015, and every 10 years thereafter, test for
21 the presence of radon gas and radon progeny. The bill also
22 requires that such landlords disclose the results of such tests
23 to new tenants and disclose the results to current tenants
24 immediately upon receiving the results.

25 The bill also provides for a radon mitigation and abatement
26 individual income tax credit of up to \$500 for qualified radon
27 mitigation or abatement costs conducted on an owner-occupied
28 residence. The credit is refundable. The combined tax credits
29 awarded shall not exceed \$5 million in any given fiscal year.
30 The tax credit applies retroactively to January 1, 2013, for
31 tax years beginning on or after that date.

32 The bill may include a state mandate as defined in Code
33 section 25B.3. The bill requires that the state cost of
34 any state mandate included in the bill be paid by a school
35 district from state school foundation aid received by the

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1 school district under Code section 257.16. The specification
2 is deemed to constitute state compliance with any state mandate
3 funding-related requirements of Code section 25B.2. The
4 inclusion of this specification is intended to reinstate the
5 requirement of political subdivisions to comply with any state
6 mandates included in the bill.



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Senate Study Bill 1008 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED SECRETARY OF
STATE BILL)

A BILL FOR

1 An Act relating to the technical administration of election and
2 voter registration laws, including by making modifications
3 to certain filing deadlines, preservation of certain
4 records, elections to fill certain vacancies in office,
5 absentee voting, voting systems, and ballot summaries.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 39.3, subsection 7, Code 2013, is amended
2 to read as follows:

3 7. "*General election*" means the biennial election for
4 national or state officers, members of Congress and of the
5 general assembly, county and township officers, and for the
6 choice of other officers or the decision of questions as
7 provided by law and, where applicable, includes the regular
8 city election described in section 376.1.

9 Sec. 2. Section 43.16, Code 2013, is amended to read as
10 follows:

11 **43.16 Return of papers, additions not allowed.**

12 1. After a nomination paper has been filed, it shall not
13 be returned to the person who has filed the paper, nor shall
14 any signature or other information be added to the nomination
15 paper.

16 2. a. A person who has filed nomination petitions with the
17 state commissioner may withdraw as a candidate not later than
18 5:00 p.m. on the seventy-sixth day before the primary election
19 by notifying the state commissioner in writing.

20 b. A person who has filed nomination papers with the
21 commissioner may withdraw as a candidate not later than 5:00
22 p.m. on the sixty-seventh day before the primary election by
23 notifying the commissioner in writing.

24 3. The name of a candidate who has withdrawn or died at a
25 time in accordance with this section shall be omitted from the
26 certificate furnished by the state commissioner under section
27 43.22 and omitted from the primary election ballot.

28 Sec. 3. Section 43.23, Code 2013, is amended to read as
29 follows:

30 **43.23 Death or withdrawal of primary candidate.**

31 1. If a person who has filed nomination papers with the
32 state commissioner as a candidate in a primary election dies
33 or withdraws ~~up to~~ before 5:00 p.m. on the seventy-sixth
34 day before the primary election, the appropriate convention
35 or central committee of that person's political party may

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1 designate one additional primary election candidate for the
2 nomination that person was seeking, if the designation is
3 submitted to the state commissioner in writing by 5:00 p.m. on
4 the seventy-first day before the date of the primary election.
5 The name of any candidate so submitted shall be included in the
6 appropriate certificate or certificates furnished by the state
7 commissioner under section 43.22.

8 2. If a person who has filed nomination papers with the
9 commissioner as a candidate in a primary election dies or
10 withdraws ~~up to~~ before 5:00 p.m. on the sixty-seventh day
11 before the primary election, the appropriate convention
12 or central committee of that person's political party may
13 designate one additional primary election candidate for the
14 nomination that person was seeking, if the designation is
15 submitted to the commissioner in writing by 5:00 p.m. on the
16 sixty-third day before the primary election. The name of any
17 candidate so submitted shall be placed on the appropriate
18 ballot or ballots by the commissioner.

19 Sec. 4. Section 43.24, subsection 1, paragraph b, Code 2013,
20 is amended by adding the following new subparagraph:

21 NEW SUBPARAGRAPH. (03) Objections to nominations to fill
22 vacancies in the office of representative in Congress at a
23 special election held under section 69.14 shall be filed with
24 the state commissioner not less than sixty days prior to the
25 date set for the special election.

26 Sec. 5. Section 43.24, subsection 1, paragraph b,
27 subparagraph (3), Code 2013, is amended to read as follows:

28 (3) Objections to nominations to fill vacancies in the
29 general assembly at a special election held under section
30 69.14, under which the forty-day notice of election provision
31 applies, shall be filed with the state commissioner not less
32 than fifteen days prior to the date set for the special
33 election. If the forty-day notice provision does not apply,
34 objections to nominations to fill vacancies in the general
35 assembly at a special election held under section 69.14 may be

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1 filed any time prior to the date set for the special election.

2 Sec. 6. Section 43.24, subsection 1, Code 2013, is amended
3 by adding the following new paragraph:

4 NEW PARAGRAPH. *c.* Objections filed pursuant to this section
5 shall be filed no later than 5:00 p.m. on the final date for
6 filing.

7 Sec. 7. Section 43.24, subsection 2, paragraph b, Code 2013,
8 is amended to read as follows:

9 *b.* If an objection is filed to a nomination to fill
10 a vacancy in the general assembly at a special election
11 held under section 69.14, under which the forty-day notice
12 of election provision of section 69.14 does not apply,
13 notice of the objection shall be made to the candidate by
14 the state commissioner as soon as practicable. Under this
15 paragraph, failure to notify a candidate of an objection to the
16 candidate's nomination prior to the date set for the special
17 election does not invalidate the hearing conducted under
18 subsection 3. The hearing to an objection shall proceed as
19 quickly as possible to expedite the special election.

20 Sec. 8. Section 43.72, Code 2013, is amended to read as
21 follows:

22 **43.72 State returns filed and preserved.**

23 When the canvass is concluded, the board shall deliver
24 the original abstract returns to the state commissioner, who
25 shall file the returns in the state commissioner's office and
26 preserve the abstracts of the canvass of the state board and
27 certificates attached thereto. The state commissioner may
28 preserve the abstracts and certificates attached thereto in an
29 electronic format.

30 Sec. 9. Section 43.88, Code 2013, is amended to read as
31 follows:

32 **43.88 Certification of nominations.**

33 1. Nominations made by state, district, and county
34 conventions, shall, under the name, place of residence, and
35 post office address of the nominee, and the office to which

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1 nominated, and the name of the political party making the
2 nomination, be forthwith certified to the proper officer by
3 the chairperson and secretary of the convention, or by the
4 committee, as the case may be, and if such certificate is
5 received in time, the names of such nominees shall be printed
6 on the official ballot the same as if the nomination had been
7 made in the primary election.

8 2. Nominations made to fill vacancies in the office of
9 representative in Congress shall be certified to the state
10 commissioner not less than sixty-two days prior to the date set
11 for the special election. Nominations made to fill vacancies
12 in other offices to which this chapter applies at a special
13 election shall be certified to the proper official not less
14 than twenty-five days prior to the date set for the special
15 election. In the event the special election is to fill a
16 vacancy in the general assembly while it is in session or
17 within forty-five days of the convening of any session, the
18 nomination shall be certified not less than fourteen days
19 before the date of the special election.

20 3. Nominations certified to the proper official under this
21 section shall be accompanied by an affidavit executed by the
22 nominee in substantially the form required by section 43.67.

23 Sec. 10. Section 44.4, subsection 1, Code 2013, is amended
24 to read as follows:

25 1. Nominations made pursuant to this chapter and chapter
26 45 which are required to be filed in the office of the state
27 commissioner shall be filed in that office not more than
28 ninety-nine days nor later than 5:00 p.m. on the eighty-first
29 day before the date of the general election to be held in
30 November. Nominations made for a special election called
31 pursuant to section 69.14 to fill vacancies in the general
32 assembly shall be filed by 5:00 p.m. not less than twenty-five
33 days before the date of an election called upon at least
34 forty days' notice and not less than fourteen days before
35 the date of an election called upon at least eighteen days'

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1 notice. Nominations made to fill vacancies in the office of
2 representatives in Congress at a special election shall be
3 certified to the state commissioner not less than sixty-two
4 days prior to the date set for the special election.
5 Nominations made for a special election called pursuant to
6 section 69.14A shall be filed by 5:00 p.m. not less than
7 twenty-five days before the date of the election. Nominations
8 made pursuant to this chapter and chapter 45 which are required
9 to be filed in the office of the commissioner shall be filed
10 in that office not more than ninety-two days nor later than
11 5:00 p.m. on the sixty-ninth day before the date of the general
12 election. Nominations made pursuant to this chapter or chapter
13 45 for city office shall be filed not more than seventy-two
14 days nor later than 5:00 p.m. on the forty-seventh day before
15 the city election with the city clerk, who shall process them
16 as provided by law.
17 Sec. 11. Section 44.4, subsection 2, paragraph a, Code 2013,
18 is amended by adding the following new subparagraphs:
19 NEW SUBPARAGRAPH. (03) Objections to nominations to fill
20 a vacancy in the office of representative in Congress at a
21 special election held under section 69.14 shall be filed with
22 the state commissioner not less than sixty days prior to the
23 date set for the special election.
24 NEW SUBPARAGRAPH. (003) Objections to nominations to
25 fill a vacancy in the general assembly at a special election
26 held under section 69.14, under which the forty-day notice
27 of election provision applies, shall be filed with the state
28 commissioner not less than fifteen days prior to the date set
29 for the special election. If the forty-day notice provision
30 does not apply, objections to nominations to fill vacancies at
31 a special election held under section 69.14 may be filed no
32 later than the day before the special election.
33 Sec. 12. Section 48A.30, subsection 1, paragraph a, Code
34 2013, is amended to read as follows:
35 a. The registered voter dies. For the purposes of this

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1 subsection, the commissioner may accept as evidence of death a
2 notice from the state registrar of vital statistics forwarded
3 by the state registrar of voters, a written statement from a
4 member of the registered voter's household, an obituary in a
5 newspaper, an obituary posted on a funeral home internet site,
6 a written statement from an election official, or a notice from
7 the county recorder of the county where the registered voter
8 died.

9 Sec. 13. Section 48A.32, Code 2013, is amended to read as
10 follows:

11 **48A.32 Destruction or removal of canceled voter registration**
12 **records.**

13 Twenty-two months after the next general election following
14 the cancellation of a person's voter registration or twenty-two
15 months after receipt of an incomplete voter registration
16 application, the commissioner may destroy all records of that
17 person's registration, including electronic records. At the
18 discretion of the commissioner, canceled records may be donated
19 to a historical society if all confidential information has
20 been removed from the records.

21 Sec. 14. Section 49.45, Code 2013, is amended to read as
22 follows:

23 **49.45 General form of ballot.**

24 Ballots referred to in section 49.43 shall be ~~substantially~~
25 in one of the following form forms:

26 Shall the following amendment to the Constitution (or public
27 measure) be adopted?

28 ☐ Yes

29 ☐ No

30 (Here insert the summary, if it is for a constitutional
31 amendment or statewide public measure, and in full the proposed
32 constitutional amendment or public measure. The number
33 assigned by the state commissioner or the letter assigned
34 by the county commissioner shall be included on the ballot
35 centered above the question, "Shall the following amendment to

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1 the Constitution [or public measure] be adopted?").
2 Shall the following amendment to the Constitution (or public
3 measure) be adopted?
4 (Here insert the summary, if it is for a constitutional
5 amendment or statewide public measure, and in full the proposed
6 constitutional amendment or public measure. The number
7 assigned by the state commissioner or the letter assigned
8 by the county commissioner shall be included on the ballot
9 centered above the question, "Shall the following amendment to
10 the Constitution [or public measure] be adopted?".)
11 ☐ Yes
12 ☐ No
13 Sec. 15. Section 50.15A, Code 2013, is amended to read as
14 follows:
15 **50.15A Unofficial results of voting —~~general election only~~.**
16 1. In order to provide the public with an early source
17 of election results before the official canvass of votes,
18 the state commissioner of elections, in cooperation with
19 the commissioners of elections, shall conduct an unofficial
20 canvass of election results following the closing of the
21 polls on the day of a primary election, general election,
22 or special election under section 69.14. The unofficial
23 canvass shall report election results for national offices,
24 statewide offices, the office of state representative, the
25 office of state senator, and other offices or public measures
26 at the discretion of the state commissioner of elections.
27 The unofficial canvass shall also report the total number of
28 ballots cast at the primary election, general election, or
29 special election under section 69.14.
30 2. a. After the polls close on election day for a primary
31 election, general election, or special election under section
32 69.14, the commissioner of elections shall periodically provide
33 election results to the state commissioner of elections as
34 the precincts in the county report election results to the
35 commissioner pursuant to section 50.11. If the commissioner



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1 has access to the vote tabulating software necessary to produce
2 the election results in an electronic format, the commissioner
3 shall provide the election results required by this section in
4 an electronic format. If the commissioner determines that all
5 precincts will not report election results before the office is
6 closed, the commissioner shall report the most complete results
7 available prior to leaving the office at the time the office is
8 closed as provided in section 50.11. The commissioner shall
9 specify the number of precincts included in the report to the
10 state commissioner of elections.

11 *b.* The state commissioner of elections shall tabulate
12 unofficial election results as the results are received from
13 the commissioners of elections and shall periodically make the
14 reports of the results available to the public.

15 3. Before the day of the primary election, general election,
16 or special election under section 69.14, the state commissioner
17 of elections shall provide a form and instructions for
18 reporting unofficial election results pursuant to this section.

19 Sec. 16. Section 50.48, subsection 1, paragraph b, Code
20 2013, is amended to read as follows:

21 *b.* Immediately upon receipt of a request for a recount,
22 the commissioner shall send a copy of the request to the
23 apparent winner by certified mail. The commissioner shall
24 also attempt to contact the apparent winner by telephone.
25 If the apparent winner cannot be reached within four days,
26 the chairperson of the political party or organization which
27 nominated the apparent winner shall be contacted or, in the
28 case of an election for a nonpartisan office, the entity or
29 officer responsible for making an appointment to fill a vacancy
30 in the office shall be contacted and shall act on behalf of the
31 apparent winner, if necessary. ~~For~~ On behalf of candidates for
32 partisan state or federal offices, the chairperson of the state
33 party shall be contacted. ~~For~~ On behalf of candidates for
34 partisan county offices, the county chairperson of the party
35 shall be contacted.



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1 Sec. 17. Section 52.5, subsection 2, Code 2013, is amended
2 to read as follows:

3 2. The state commissioner shall formulate, with the advice
4 and assistance of the examiners, and adopt rules governing the
5 testing and examination of any optical scan voting system by
6 the board of examiners. The rules shall prescribe the method
7 to be used in determining whether the system is suitable for
8 use within the state and performance standards for voting
9 equipment in use within the state. The rules shall provide
10 that all optical scan voting systems approved for use by the
11 examiners after April 9, 2003, shall meet voting systems
12 performance and test standards, as adopted by the federal
13 ~~election commission on April 30, 2002, and pursuant to the~~
14 provisions of or as deemed adopted by Pub. L. No. 107-252,
15 § 222. The rules shall include standards for determining when
16 recertification is necessary following modifications to the
17 equipment or to the programs used in tabulating votes, and a
18 procedure for rescinding certification if a system is found
19 not to comply with performance standards adopted by the state
20 commissioner.

21 Sec. 18. Section 53.18, subsection 2, Code 2013, is amended
22 to read as follows:

23 2. If the commissioner receives the return envelope
24 containing the completed absentee ballot by 5:00 p.m. on the
25 Saturday before the election for general and primary elections
26 and by 5:00 p.m. on the Friday before the election for all
27 other elections, the commissioner shall open the envelope to
28 review the affidavit for completeness. If the affidavit is
29 incomplete, the commissioner shall, within twenty-four hours of
30 the time the envelope was received, notify the voter of that
31 fact and that the voter may complete the affidavit in person
32 at the office of the commissioner by 5:00 p.m. on the day
33 before the election, or in the case of an election at which the
34 polls open at noon on election day, by 10:00 a.m. on the date
35 of the election, vote a replacement ballot in the manner and

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1 within the time period provided in subsection 3, or appear at
2 the voter's precinct polling place on election day and cast a
3 ballot in accordance with section 53.19, subsection 3.

4 Sec. 19. Section 53.30, Code 2013, is amended to read as
5 follows:

6 **53.30 Ballots, ballot envelopes, and other information**
7 **preserved.**

8 At the conclusion of each meeting of the absentee and special
9 voter's precinct board, the board shall securely seal all
10 ballots counted by them in the manner prescribed in section
11 50.12. The ballot envelopes, including the envelope having the
12 registered voter's affidavit on it, the return envelope, and
13 secrecy envelope ~~bearing the signatures of precinct election~~
14 ~~officials~~, as required by section 53.23, shall be preserved.
15 All applications for absentee ballots, ballots rejected without
16 being opened, absentee ballot logs, and any other documents
17 pertaining to the absentee ballot process shall be preserved
18 until such time as the documents may be destroyed pursuant to
19 section 50.19.

20 Sec. 20. Section 53.39, subsection 2, Code 2013, is amended
21 to read as follows:

22 2. All official ballots to be voted by qualified absent
23 voters in the armed forces of the United States at the primary
24 election, and the general election, and special elections for
25 representative in Congress shall be printed prior to forty-five
26 days before the respective elections and shall be available for
27 transmittal to such qualified voters in the armed forces of the
28 United States at least forty-five days before the respective
29 elections. The provisions of this chapter apply to absent
30 voting by qualified voters in the armed forces of the United
31 States except as modified by the provisions of this division.

32 Sec. 21. Section 53.40, subsection 2, Code 2013, is amended
33 to read as follows:

34 2. The commissioner shall immediately ~~on~~ after the ballots
35 are available and no later than the forty-fifth day prior to

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1 the ~~particular~~ primary election, general election, or special
2 election for representative in Congress transmit ballots to
3 the voter by mail or otherwise, postage prepaid, as directed
4 by the state commissioner, requests for which are in the
5 commissioner's hands at that time, and thereafter so transmit
6 ballots immediately upon receipt of requests. A request for
7 ballot for the primary election which does not state the party
8 affiliation of the voter making the request is void and of no
9 effect. A request which does not show that the person for whom
10 a ballot is requested will be a qualified voter in the precinct
11 in which the ballot is to be cast on the day of the election for
12 which the ballot is requested, shall not be honored. However,
13 a request which states the age and the city, including street
14 address, and county where the voter resides is sufficient to
15 show that the person is a qualified voter. A request by the
16 voter containing substantially the information required is
17 sufficient.

18 Sec. 22. Section 53.47, Code 2013, is amended to read as
19 follows:

20 **53.47 Materials furnished by ~~department of administrative~~**
21 **~~services~~ state commissioner.**

22 1. In order to establish uniformity in size, weight
23 and other characteristics of the ballot and facilitate its
24 distribution and return, the ~~department of administrative~~
25 ~~services shall upon direction of the~~ state commissioner
26 shall purchase any material needed for any special ballots,
27 envelopes, and other printed matter, and sell any such
28 materials to the several counties of the state at cost plus
29 handling and transportation costs.

30 2. There is hereby appropriated to the ~~department of~~
31 ~~administrative services~~ state commissioner from the general
32 fund of the state such sums as may be necessary to purchase
33 any materials provided for herein. The proceeds from sale of
34 such materials to counties shall be turned into the general
35 fund of the state upon receipt of same by the ~~department of~~

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1 ~~administrative services state commissioner.~~

2 Sec. 23. Section 69.14, Code 2013, is amended to read as
3 follows:

4 **69.14 Special election to fill vacancies.**

5 A special election to fill a vacancy shall be held for a
6 representative in Congress, or senator or representative in the
7 general assembly, when the body in which such vacancy exists is
8 in session, or will convene prior to the next general election,
9 ~~and the.~~ The governor shall order, not later than five days
10 from the date the vacancy exists, a special election, giving
11 not less than seventy-six days' notice of such election to
12 fill a vacancy in the office of representative in Congress or
13 forty days' notice of such election to fill a vacancy in the
14 office of senator or representative in the general assembly.
15 In the event the special election is to fill a vacancy in the
16 general assembly while it is in session or within forty-five
17 days of the convening of any session, the time limit provided
18 in this section shall not apply and the governor shall order
19 such special election at the earliest practical time, giving
20 at least eighteen days' notice of the special election. Any
21 special election called under this section must be held on
22 a Tuesday and shall not be held on the same day as a school
23 election within the district.

24 Sec. 24. Section 372.13, subsection 2, paragraph a, Code
25 2013, is amended to read as follows:

26 a. (1) By appointment by the remaining members of the
27 council, except that if the remaining members do not constitute
28 a quorum of the full membership, paragraph "b" shall be
29 followed. The appointment shall be made within forty days
30 after the vacancy occurs and shall be for the period until the
31 ~~next pending election as defined in section 69.12, and shall~~
32 ~~be made within forty days after the vacancy occurs~~ general
33 election for a city as described in section 39.3, subsection 7,
34 or the regular city election described in section 376.1, unless
35 there is an intervening special election in that city, in which

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1 event the election for the office shall be placed on the ballot
2 at such special election.

3 (2) If the council chooses to proceed under this paragraph,
4 it shall publish notice in the manner prescribed by section
5 362.3, stating that the council intends to fill the vacancy
6 by appointment but that the electors of the city or ward, as
7 the case may be, have the right to file a petition requiring
8 that the vacancy be filled by a special election. The council
9 may publish notice in advance if an elected official submits
10 a resignation to take effect at a future date. The council
11 may make an appointment to fill the vacancy after the notice
12 is published or after the vacancy occurs, whichever is later.
13 However, if within fourteen days after publication of the
14 notice or within fourteen days after the appointment is made,
15 there is filed with the city clerk a petition which requests a
16 special election to fill the vacancy, an appointment to fill
17 the vacancy is temporary and the council shall call a special
18 election to fill the vacancy permanently, under paragraph “b”.
19 The number of signatures of eligible electors of a city for a
20 valid petition shall be determined as follows:

21 ~~(1)~~ (a) For a city with a population of ten thousand or
22 less, at least two hundred signatures or at least the number of
23 signatures equal to fifteen percent of the voters who voted for
24 candidates for the office at the preceding regular election at
25 which the office was on the ballot, whichever number is fewer.

26 ~~(2)~~ (b) For a city with a population of more than ten
27 thousand but not more than fifty thousand, at least one
28 thousand signatures or at least the number of signatures equal
29 to fifteen percent of the voters who voted for candidates for
30 the office at the preceding regular election at which the
31 office was on the ballot, whichever number is fewer.

32 ~~(3)~~ (c) For a city with a population of more than fifty
33 thousand, at least two thousand signatures or at least the
34 number of signatures equal to ten percent of the voters who
35 voted for candidates for the office at the preceding regular

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1 election at which the office was on the ballot, whichever
2 number is fewer.

3 ~~(4)~~ (d) The minimum number of signatures for a valid
4 petition pursuant to ~~subparagraphs (1)~~ subparagraph divisions
5 (a) through ~~(3)~~ (c) shall not be fewer than ten. In
6 determining the minimum number of signatures required, if at
7 the last preceding election more than one position was to be
8 filled for the office in which the vacancy exists, the number
9 of voters who voted for candidates for the office shall be
10 determined by dividing the total number of votes cast for the
11 office by the number of seats to be filled.

12 Sec. 25. EFFECTIVE UPON ENACTMENT. The following
13 provision or provisions of this Act, being deemed of immediate
14 importance, take effect upon enactment:

15 1. The section of this Act amending section 43.24,
16 subsection 1, paragraph "b".

17 2. The section of this Act amending section 43.24,
18 subsection 2, paragraph "b".

19 3. The section of this Act amending section 43.88.

20 4. The section of this Act amending section 44.4, subsection
21 1.

22 5. The section of this Act amending section 44.4, subsection
23 2, paragraph "a".

24 6. The section of this Act amending section 53.39,
25 subsection 2.

26 7. The section of this Act amending section 53.40,
27 subsection 2.

28 8. The section of this Act amending section 69.14.

29 EXPLANATION

30 This bill relates to the technical administration of
31 election and voter registration laws generally.

32 The bill amends the definition of "general election" to
33 include certain regular city elections, where applicable.

34 The bill amends Code section 43.16, relating to withdrawal
35 of a primary election candidate, and Code section 43.23,

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1 relating to replacement of a primary election candidate who
2 has withdrawn or died, to add the clock time of 5:00 p.m. to
3 the current deadline dates. The bill also amends Code section
4 43.24, relating to filing objections to primary election
5 nominations, to add the clock time of 5:00 p.m. to the current
6 deadline dates.

7 The bill amends Code section 43.72 to specify that the state
8 commissioner of elections has the authority to electronically
9 preserve certain abstracts and certificates from primary
10 elections.

11 The bill amends Code section 48A.30 to provide that in
12 canceling the registration of a registered voter, a county
13 commissioner of elections may accept an obituary posted on a
14 funeral home internet site as evidence of death.

15 The bill amends Code section 48A.32 to allow a county
16 commissioner of elections, following receipt of a person's
17 incomplete voter registration application, to destroy all
18 records and electronic records of that person's registration 22
19 months after the next general election. The Code section is
20 also amended to specify that a county commissioner of elections
21 may destroy the electronic records of canceled registrations.

22 The bill amends Code section 49.45 to allow ballots for
23 constitutional amendments and other public measures to be
24 published in one of two forms.

25 The bill amends Code section 50.15A to require that a
26 county commissioner of elections provide unofficial election
27 results to the state commissioner of elections for, and that
28 the state commissioner provide certain materials to the county
29 commissioners in advance of, all primary elections and special
30 elections to fill vacancies in the general assembly or office
31 of representative in Congress. Current law already requires
32 that county commissioners provide such results and materials
33 for general elections. The bill also requires that for a
34 primary election, general election, or special election to fill
35 vacancies in the general assembly or office of representative

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1 in Congress, a county commissioner of elections provide the
2 state commissioner of elections with election results in an
3 electronic format if the county commissioner has access to the
4 vote tabulating software necessary to produce the results in an
5 electronic format.

6 The bill amends Code section 50.48 to require that in the
7 case of a recount of an election for a nonpartisan office, if
8 the apparent winner cannot be reached within four days after
9 receipt of a request for a recount, the county commissioner of
10 elections shall contact the entity or officer responsible for
11 making an appointment to a vacancy in the nonpartisan office.

12 The bill amends Code section 52.5, relating to the testing
13 and examination of voting equipment, to remove a reference to
14 specific performing and test standards adopted by the federal
15 election commission on April 30, 2002, but to maintain a
16 reference to the adoption of such standards pursuant to Pub.
17 L. No. 107-252, § 222.

18 The bill amends Code section 53.18 which requires that
19 a county commissioner of elections notify a voter that the
20 voter is allowed the opportunity to complete an affidavit,
21 if the affidavit that accompanies the absentee ballot is
22 incomplete, within 24 hours of the county commissioner
23 receiving the absentee ballot. The bill requires that the
24 county commissioner notify such a voter by 10:00 a.m. on the
25 date of the election in the case of an election at which the
26 polls open at noon.

27 The bill amends Code section 53.30 to remove a reference to
28 a requirement that precinct election officials sign the secrecy
29 envelopes that are included with absentee ballots. That
30 requirement was repealed in 2008.

31 The bill amends Code section 53.47, relating to military
32 and overseas voters, to require that the state commissioner
33 of elections purchase any materials needed for any special
34 ballots, envelopes, and other printed materials, and sell such
35 materials to the several counties of the state. Current law

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1 requires that the department of administrative services conduct
2 these functions at the direction of the state commissioner of
3 elections. The bill also directs general funds appropriated
4 for these purposes to the state commissioner of elections
5 instead of to the department of administrative services.

6 In order to comply with the provisions of the 2009 Military
7 and Overseas Voter Empowerment Act, the bill amends Code
8 section 69.14 to provide that for vacancies in the office
9 of representative in Congress the governor shall give not
10 less than 76 days' notice, rather than 40 days' notice, of
11 the special election to fill the vacancy. The bill makes
12 corresponding changes to Code section 43.24, relating to
13 deadlines for filing objections, and to Code section 43.88,
14 relating to the deadline for filing nomination petitions. The
15 bill makes corresponding changes to Code section 44.4, relating
16 to deadlines for nominations made by nonparty political
17 organizations to fill a vacancy for representatives in Congress
18 or the general assembly and objections to those nominations.
19 The bill also makes corresponding amendments to Code sections
20 53.39 and 53.40 to add special elections for representative in
21 Congress to provisions relating to availability of ballots for
22 qualified voters in the armed forces. These provisions of the
23 bill take effect upon enactment.

24 The bill requires that if a vacancy in an elective city
25 office is filled by appointment of the remaining members of the
26 city council, that such appointment be for the period until the
27 next general election for a city, as described in the bill, or
28 the next regular city election, as defined in statute. If,
29 however, there is an intervening special election in that city,
30 then the election for the office shall be placed on the ballot
31 at the special election.



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Senate Study Bill 1009 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED SECRETARY OF
STATE BILL)

A BILL FOR

1 An Act concerning the review, approval, and establishment of
2 county supervisor districting plans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 49.8, subsection 4, Code 2013, is amended
2 to read as follows:

3 4. If city population data certified by the United States
4 bureau of the census following the federal decennial census
5 is revised and the revision is certified by the United
6 States bureau of the census, such revisions may be used
7 to revise precinct and ward boundaries in accordance with
8 the requirements of sections 49.3 and 49.5. The board of
9 supervisors shall determine whether such revised population
10 data affects the population equality of supervisor districts.
11 If necessary, the temporary county redistricting commission
12 shall be reconvened, notwithstanding section 331.210A,
13 subsection 4, and supervisor districts shall be revised
14 in accordance with the requirements of section 331.210A,
15 ~~subsection~~ subsections 2 and 2A.

16 Sec. 2. Section 68B.32A, subsection 16, Code 2013, is
17 amended by striking the subsection.

18 Sec. 3. Section 331.209, subsection 4, Code 2013, is amended
19 by striking the subsection.

20 Sec. 4. Section 331.210A, subsection 2, paragraph e, Code
21 2013, is amended by striking the paragraph.

22 Sec. 5. Section 331.210A, subsection 2, paragraph f,
23 subparagraph (4), Code 2013, is amended to read as follows:

24 (4) The governing body, after approving a plan, shall comply
25 with the requirements of ~~paragraph "e"~~ subsection 2A.

26 Sec. 6. Section 331.210A, Code 2013, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 2A. Review and approval of plans.

29 a. The plan adopted by the board of supervisors as provided
30 in subsection 2 shall be submitted to the state commissioner of
31 elections for review and approval. To facilitate this review,
32 each applicable temporary county redistricting commission
33 shall notify the state commissioner of elections when the
34 boundaries of supervisor districts will be changed or newly
35 divided pursuant to a change in the county representation plan,

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1 shall provide documentation as to when the board of supervisors
2 approved the new supervisor district plan, shall provide a map
3 delineating the new boundary lines, and shall certify to the
4 state commissioner of elections the populations of the new
5 supervisor districts as determined under the latest federal
6 decennial census.

7 *b.* (1) The state commissioner shall reject a county
8 supervisor districting plan submitted to the state commissioner
9 if a valid petition requesting that the legislative services
10 agency prepare the supervisor districting plan for the county
11 is filed with the state commissioner of elections, on a form
12 prescribed by the state commissioner, within thirty days after
13 the plan is approved by the board of supervisors. For purposes
14 of this subparagraph, a petition is a valid petition if signed
15 by eligible electors of the county equal in number to at least
16 two percent of the total votes cast in the county for the
17 office of governor at the last preceding general election
18 for governor. In addition, the petition shall include the
19 signatures of the eligible electors, a statement of their place
20 of residence, and the date on which they signed the petition.
21 If a date of signature on a petition is a date prior to the date
22 the board of supervisors approved the plan, the signature shall
23 not be counted.

24 (2) Upon determining that a valid petition has been filed
25 with the state commissioner, the state commissioner shall
26 notify the legislative council which shall, upon the request of
27 the state commissioner, direct the legislative services agency
28 to prepare a supervisor districting plan for the county. The
29 legislative services agency shall draw the plan, based to the
30 extent possible upon the precinct plan adopted and approved by
31 the state commissioner for use by the county, in accordance
32 with the standards of section 42.4, to the extent applicable,
33 and such other legal requirements applicable to county
34 supervisor districts. The legislative services agency shall
35 submit the plan to the board of supervisors for the county who

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1 shall approve or reject the plan as expeditiously as possible,
2 but no later than thirty days after the plan is submitted. The
3 board of supervisors shall notify the state commissioner of the
4 action taken and, if the plan is rejected, provide the state
5 commissioner written reasons for the rejection of the plan. If
6 the plan is rejected, the state commissioner shall notify the
7 legislative council which shall, upon the request of the state
8 commissioner, direct the legislative services agency to prepare
9 a second supervisor districting plan for the county. The
10 legislative services agency shall draw the plan in accordance
11 with the standards for a supervisor districting plan as
12 described in this subparagraph and, insofar as it is possible
13 to do so within the requirements for a supervisor districting
14 plan, in accordance with the reasons cited by the board of
15 supervisors by resolution for the rejection of the first plan.
16 The legislative services agency shall submit the second plan to
17 the state commissioner who shall impose the plan on the county.
18 c. (1) If a valid petition as provided by paragraph "b" is
19 not filed with the state commissioner, the state commissioner
20 shall review the plan submitted and shall approve the plan if
21 the plan meets the standards of section 42.4 and such other
22 legal requirements applicable to county supervisor districts
23 and precincts.
24 (2) If the state commissioner finds that the plan does
25 not meet the standards of section 42.4 and such other legal
26 requirements applicable to county supervisor districts or
27 precincts, the state commissioner shall reject the plan, and
28 the board of supervisors shall direct the commission to prepare
29 and adopt an acceptable plan. If it is necessary for the
30 temporary county redistricting commission to make subsequent
31 attempts at adopting an acceptable plan because the initial
32 proposed district or precinct plan has been rejected pursuant
33 to this subparagraph, the subsequent plans do not require
34 public hearings.
35 d. Upon failure of a temporary county redistricting

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1 commission to make the required changes in supervisor district
2 boundaries by the dates specified by sections 331.203,
3 331.204, and 331.209 as determined by the state commissioner of
4 elections, the state commissioner of elections shall make or
5 cause to be made the necessary changes as soon as possible, and
6 shall assess to the county the expenses incurred in so doing.
7 The state commissioner of elections may request the services of
8 personnel and materials available to the legislative services
9 agency to assist the state commissioner in making required
10 changes in supervisor district boundaries which become the
11 state commissioner's responsibility.

12 Sec. 7. Section 331.210A, subsection 4, Code 2013, is
13 amended to read as follows:

14 4. *Termination.* The terms of the members of the temporary
15 county redistricting commission shall expire twenty days
16 following the date the county's supervisor district plan and
17 corresponding precinct plan, if applicable, are approved or
18 imposed by the state commissioner of elections under ~~sections~~
19 section 49.7 and 331.209 this section.

20 Sec. 8. Section 331.248, subsection 2, paragraph h, Code
21 2013, is amended to read as follows:

22 h. Provide for a representation plan for the governing body
23 which representation plan may differ from the representation
24 plans provided in section 331.206 and in chapter 372. If the
25 plan calls for representation by districts and the charter
26 has been approved in a county whose population is one hundred
27 eighty thousand or more, the plan shall be drawn pursuant to
28 section 331.210A, subsection 2, paragraph "f". The initial
29 representation plan for such a county shall be drawn as
30 provided in section 331.210A, subsection 2, paragraph "f",
31 within one hundred twenty days after the election at which the
32 charter is approved. For the initial representation plan,
33 the charter commission shall assume the role of the governing
34 body for purposes of this paragraph ~~and~~, section 331.210A,
35 subsection 2, paragraphs "d" ~~through and~~ "f", and section

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1 331.210A, subsection 2A.

2 EXPLANATION

3 This bill concerns county supervisor districting plans.

4 Under current law, following adoption by the county
5 supervisors of a county supervisor districting plan, an
6 eligible elector from the county may file, within 14 days of
7 adopting the plan, a complaint with the state commissioner of
8 elections (the secretary of state), alleging that the plan was
9 drawn for improper political reasons. Once filed, current law
10 provides that the complaint be forwarded to the ethics and
11 campaign disclosure board for a determination of whether the
12 plan was improperly drawn.

13 The bill eliminates the complaint process relative to
14 the ethics and campaign disclosure board. Instead, the bill
15 provides that if following the adoption of a county supervisor
16 district plan a valid petition is filed with the state
17 commissioner of elections, the state commissioner shall reject
18 the plan and request the legislative council to direct the
19 legislative services agency to draw a plan. The bill provides
20 that the petition shall be filed within 30 days after the
21 adoption of the plan and shall be signed by eligible electors
22 of the county equal in number to at least 2 percent of the total
23 votes cast for the office of governor in the county at the
24 last preceding general election for governor. To be counted,
25 a signature shall not be dated prior to the date the board of
26 supervisors approved the plan.

27 The bill provides that once the state commissioner
28 determines that a valid petition has been filed and has made a
29 request to the legislative council, the legislative services
30 agency shall draw a proposed county supervisor districting
31 plan and submit the plan to the county board of supervisors
32 who shall approve or reject the plan within thirty days. If
33 the plan is rejected, the bill provides that the county shall
34 provide reasons for the rejection to the state commissioner
35 of elections and the state commissioner shall request the

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1 legislative council to direct the legislative services agency
2 to draw a new county supervisor districting plan in accordance
3 with the reasons submitted to the extent they are consistent
4 with the requirements for county supervisor districting plans.
5 The bill provides that the second plan shall be imposed on the
6 county by the state commissioner.
7 The bill makes additional changes to relocate provisions
8 relative to the consideration, review, approval, and
9 imposition of county supervisor districting plans by the state
10 commissioner of elections to Code section 331.210A.



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Senate Study Bill 1010 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE BOARD
BILL)

A BILL FOR

1 An Act relating to public disclosure of the receipt of certain
2 gifts, bequests, and honoraria and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 8.7, Code 2013, is amended to read as
2 follows:

3 **8.7 Reporting of gifts and bequests received.**

4 All gifts and bequests received by a department or accepted
5 by the governor on behalf of the state shall be reported
6 in an electronic format to the Iowa ethics and campaign
7 disclosure board and the general assembly's standing committees
8 on government oversight. A report shall be filed only for
9 months in which a gift or bequest is received or accepted. A
10 report shall be filed no later than the tenth day of the month
11 following the month in which a gift or bequest is received or
12 accepted. The ethics and campaign disclosure board shall, by
13 January 31 of each year, submit to the fiscal services division
14 of the legislative services agency a written report listing all
15 gifts and bequests received or accepted during the previous
16 calendar year with a value over one thousand dollars and the
17 purpose for each such gift or bequest. The submission shall
18 also include a listing of all gifts and bequests received by a
19 department from a person if the cumulative value of all gifts
20 and bequests received by the department from the person during
21 the previous calendar year exceeds one thousand dollars, and
22 the ethics and campaign disclosure board shall include, if
23 available, the purpose for each such gift or bequest. However,
24 the reports on gifts or bequests filed by the state board of
25 regents and the Iowa state fair board pursuant to section 8.44
26 shall be deemed sufficient to comply with the requirements of
27 this section.

28 Sec. 2. **NEW SECTION. 68B.23A Gifts and honoraria reporting.**

29 1. An official or employee of the executive branch shall
30 submit a report to the board in an electronic format for any
31 gift or series of gifts or honorarium or series of honoraria
32 received by the official, employee, or immediate family member
33 of the official or employee from a restricted donor that
34 exceeds one hundred dollars in the aggregate in a calendar
35 year.

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1 2. A report shall be filed no later than the tenth day of
2 the month following the month in which the gifts or honoraria
3 are received by the official or employee or that person's
4 immediate family member.

5 3. The board shall prescribe the information to be submitted
6 on the report which shall include, at a minimum, the name of
7 the official, employee, or immediate family member who received
8 the gift; the position or title of the official or employee;
9 the name and address of the restricted donor; a description of
10 the gift; the estimated value of the gift; and the exception in
11 section 68B.22, subsection 4, or section 68B.23, subsection 2,
12 that allows the official, employee, or immediate family member
13 to accept, directly or indirectly, the gift.

14 4. Contributions to a candidate or a candidate's committee
15 shall not be included in the report if such contributions are
16 disclosed on the candidate's committee disclosure reports.

17 5. Gifts of food, beverage, and entertainment received at
18 a function meeting the criteria in section 68B.22, subsection
19 4, paragraph "s", shall not be included in the report if
20 the function is registered and a disclosure report is filed
21 pursuant to section 68B.22, subsection 4, paragraph "s".

22 EXPLANATION

23 This bill relates to public disclosure of the receipt of
24 certain gifts, bequests, and honoraria.

25 The bill requires reports filed pursuant to Code section
26 8.7, relating to gifts and bequests received by a department or
27 accepted by the governor on behalf of the state, be filed in an
28 electronic format. The bill requires reports to be filed only
29 for months in which a gift or bequest is received or accepted.
30 The bill requires reports to be filed no later than the tenth
31 day of the month following the month in which the gift or
32 bequest is received or accepted.

33 The bill requires an official or employee of the executive
34 branch to submit a report in an electronic format to the
35 ethics and campaign disclosure board for any gift or series

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1 of gifts or honorarium or series of honoraria received by the
2 official, employee, or immediate family member of the official
3 or employee from a restricted donor that exceeds \$100 in the
4 aggregate in a calendar year. The bill provides for the timing
5 of such reports and the information to be included in the
6 reports. Gifts received that are not required to be disclosed
7 include those that meet the gift law exceptions relating to
8 contributions to a candidate and relating to food, beverage,
9 and entertainment received at a function qualifying under Code
10 section 68B.22, subsection 4, paragraph "s".

11 A person that knowingly and intentionally violates this
12 provision is guilty of a serious misdemeanor under Code section
13 68B.34. A serious misdemeanor is punishable by confinement for
14 no more than one year and a fine of at least \$315 but not more
15 than \$1,875.



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Senate Study Bill 1011 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED SECRETARY OF
STATE BILL)

A BILL FOR

1 An Act authorizing the secretary of state to modify fees for
2 businesses newly organizing in this state during an Iowa
3 start a business month.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I
2 IOWA START-UP BUSINESS INITIATIVE
3 Section 1. NEW SECTION. 9.4A Iowa start a business
4 initiative.
5 1. As used in this section, unless the context otherwise
6 requires, "*business entity*" means a profit or nonprofit business
7 organized under the laws of this state, including but not
8 limited to a partnership or limited liability partnership
9 under chapter 486A; a limited partnership under chapter 488;
10 a limited liability company under chapter 489; a corporation
11 under chapter 490; a cooperative association under chapter 499,
12 501, or 501A; or a nonprofit corporation under chapter 504.
13 2. The secretary of state may establish and administer an
14 Iowa start a business initiative. In order to participate in
15 the initiative as an Iowa start-up business, a business entity
16 must qualify as a newly formed Iowa-based business according to
17 requirements established by rules adopted by the secretary of
18 state.
19 3. The secretary of state may designate a month as "Iowa
20 start a business month".
21 4. The secretary of state may reduce or waive any fee that
22 must be paid to the secretary of state as a direct result of
23 organizing an Iowa start-up business during an Iowa start a
24 business month, which may include a filing fee paid by a person
25 as required pursuant to section 486A.1202, 488.1206, 489.117,
26 490.122, 499.45, 501.105, 501A.205, or 504.113.
27 5. If the secretary of state implements this section
28 or any part of this section, it shall adopt all rules that
29 the secretary of state determines are necessary for its
30 administration.

31 DIVISION II
32 COORDINATING PROVISIONS
33 Sec. 2. Section 486A.1202, Code 2013, is amended by adding
34 the following new subsection:
35 NEW SUBSECTION. 4. The secretary of state may reduce or

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1 waive any fee that is otherwise required to be collected by the
2 secretary of state under this chapter, if the fee is to be paid
3 by a person as a direct result of organizing an Iowa start-up
4 business as provided in section 9.4A.

5 Sec. 3. Section 488.1206, Code 2013, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 4. The secretary of state may reduce or
8 waive any fee that is otherwise required to be collected by the
9 secretary of state under this chapter, if the fee is to be paid
10 by a person as a direct result of organizing an Iowa start-up
11 business as provided in section 9.4A.

12 Sec. 4. Section 489.117, Code 2013, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 3A. The secretary of state may reduce or
15 waive any fee that is otherwise required to be collected by the
16 secretary of state under this chapter, if the fee is to be paid
17 by a person as a direct result of organizing an Iowa start-up
18 business as provided in section 9.4A.

19 Sec. 5. Section 490.122, Code 2013, is amended by adding the
20 following new subsection:

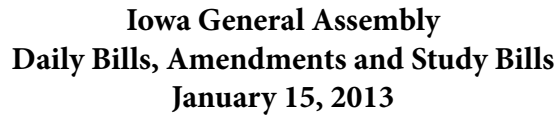
21 NEW SUBSECTION. 4. The secretary of state may reduce or
22 waive any fee that is otherwise required to be collected by the
23 secretary of state under this chapter, if the fee is to be paid
24 by a person as a direct result of organizing an Iowa start-up
25 business as provided in section 9.4A.

26 Sec. 6. Section 499.45, Code 2013, is amended to read as
27 follows:

28 **499.45 Fees.**

29 1. A fee of twenty dollars shall be paid to the secretary
30 of state upon filing articles of incorporation, amendments, or
31 renewals.

32 2. Except as provided in this section, the association shall
33 pay the fees prescribed by section 490.122 when the documents
34 described in that section are delivered to the secretary of
35 state for filing.



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1 that month (e.g., filing articles of incorporation for an Iowa
2 corporation). The businesses affected include partnerships
3 (Code chapter 486A), limited partnerships (Code chapter 488),
4 limited liability companies (Code chapter 489), business
5 corporations (Code chapter 490), various forms of cooperatives
6 (Code chapters 499, 501, and 501A), and nonprofit corporations
7 (Code chapter 504). The secretary of state is authorized to
8 adopt rules to administer the initiative.



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Senate Study Bill 1012 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED SECRETARY OF
STATE BILL)

A BILL FOR

1 An Act relating to proof of identification and proof of
2 residence in order to register to vote or to vote, creating
3 a criminal offense for falsely swearing certain oaths and
4 affidavits, and including applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I
2 VOTER IDENTIFICATION REQUIREMENTS
3 Section 1. Section 39A.2, subsection 1, paragraph b, Code
4 2013, is amended by adding the following new subparagraph:
5 NEW SUBPARAGRAPH. (6) Falsely swears to an oath required
6 pursuant to section 49.77, subsection 3, or an affidavit
7 pursuant to section 49.81, subsection 5, paragraph "b".
8 Sec. 2. Section 48A.7A, subsection 1, paragraph a, Code
9 2013, is amended to read as follows:
10 a. A person who is eligible to register to vote and to vote
11 may register on election day by appearing in person at the
12 polling place for the precinct in which the individual resides
13 and completing a voter registration application, making written
14 oath, and providing proof of identity and ~~residence~~ proof of
15 residence pursuant to paragraph "b".
16 Sec. 3. Section 48A.7A, subsection 1, paragraph b, Code
17 2013, is amended by striking the paragraph and inserting in
18 lieu thereof the following:
19 b. (1) For purposes of this section, a person may establish
20 identity by showing proof of identification as required in
21 section 49.77, subsection 3.
22 (2) For purposes of this section, a person may establish
23 residence using a proof of identification document presented
24 pursuant to section 49.77, subsection 3, if the proof of
25 identification contains the person's current address in the
26 precinct. If the proof of identification does not contain the
27 person's current address in the precinct, the person shall also
28 present one of the following documents that shows the person's
29 name and current address in the precinct:
30 (a) Utility bill.
31 (b) Bank statement.
32 (c) Paycheck.
33 (d) Government check.
34 (e) Other government document.
35 Sec. 4. Section 48A.7A, subsections 2 and 3, Code 2013, are

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1 amended to read as follows:

2 2. The oath required in subsection 1, paragraph "a", and
3 in paragraph "c", if applicable, shall be executed on the
4 same piece of paper and attached to the voter registration
5 application.

6 3. At any time before election day, and after the deadline
7 for registration in section 48A.9, a person who appears in
8 person at the commissioner's office or at a satellite absentee
9 voting station or whose ballot is delivered to a health care
10 facility pursuant to section 53.22 may register to vote and
11 vote an absentee ballot by following the procedure in this
12 section for registering to vote on election day. A person who
13 wishes to vote in person at the polling place on election day
14 and who has not registered to vote before the deadline for
15 registering in section 48A.9, is required to register to vote
16 at the polling place on election day following the procedure
17 in this section. However, the person may complete the voter
18 registration application at the commissioner's office and,
19 after the commissioner has reviewed the completed application,
20 may present the application to the appropriate precinct
21 election official along with proof of ~~identity and residency~~
22 identification and proof of residence.

23 Sec. 5. Section 49.53, subsection 1, Code 2013, is amended
24 to read as follows:

25 1. The commissioner shall not less than four nor more than
26 twenty days before the day of each election, except those for
27 which different publication requirements are prescribed by law,
28 publish notice of the election. The notice shall contain a
29 facsimile of the portion of the ballot containing the first
30 rotation as prescribed by section 49.31, subsection 2, and
31 shall show the names of all candidates or nominees and the
32 office each seeks, and all public questions, to be voted upon
33 at the election. The sample ballot published as a part of the
34 notice may at the discretion of the commissioner be reduced in
35 size relative to the actual ballot but such reduction shall not

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1 cause upper case letters appearing in candidates' names or in
2 summaries of public measures on the published sample ballot to
3 be less than nine point type. The notice shall also state the
4 date of the election, the hours the polls will be open, that
5 all voters will be required to show proof of identification
6 before casting a ballot, the location of each polling place at
7 which voting is to occur in the election, and the names of the
8 precincts voting at each polling place, but the statement need
9 not set forth any fact which is apparent from the portion of
10 the ballot appearing as a part of the same notice. The notice
11 shall include the full text of all public measures to be voted
12 upon at the election.

13 Sec. 6. Section 49.77, subsection 3, Code 2013, is amended
14 by striking the subsection and inserting in lieu thereof the
15 following:

16 3. a. A precinct election official shall require the voter
17 to present for inspection proof of identification before being
18 allowed to vote.

19 b. For purposes of this section, "*proof of identification*"
20 refers to a document that satisfies all of the following:

21 (1) The document shows the name of the individual to whom
22 the document was issued which shall conform to the name on the
23 election register.

24 (2) The document shows a photograph of the individual to
25 whom it was issued.

26 (3) The document was issued by the government of the
27 United States, the state of Iowa, an Iowa public or private
28 university or college, an Iowa secondary school, or a political
29 subdivision of the state of Iowa. In the case of a document
30 issued by a political subdivision, the document shall be
31 issued not later than the close of voter registration for
32 the applicable election as set forth in section 48A.9 and
33 shall meet all other requirements established by the state
34 commissioner by rule.

35 c. In lieu of paragraph "b", a person wishing to vote may

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1 establish proof of identity by written oath of the person
2 wishing to vote and of an attesting person who provides proof
3 of identification pursuant to paragraph "b". The oath shall be
4 in the form prescribed by the state commissioner of elections
5 and shall state the identity and attest to the stated identity
6 of the person wishing to vote. The oath must be signed by the
7 attesting person and the person wishing to vote in the presence
8 of the appropriate precinct election official. A person who
9 has signed an oath attesting to a person's identity as provided
10 in this paragraph is prohibited from signing any further oaths
11 as provided in this paragraph for the same election. The oath
12 shall advise the person wishing to vote and the attesting
13 person that falsely signing such an oath or falsely attesting
14 to a voter's identity is a class "D" felony.

15 d. The commissioner shall, within forty-five days after
16 each election, review all attestations received under this
17 subsection and if any individual is found to have attested for
18 more than one voter in a particular election, the commissioner
19 shall immediately notify the state commissioner and the county
20 attorney.

21 Sec. 7. Section 49.77, Code 2013, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 3A. a. If proof of identification is
24 established under subsection 3, the person shall be allowed to
25 vote.

26 b. If a person is unable or refuses to present proof of
27 identification, or the precinct election official determines
28 the proof of identification presented by the person does
29 not qualify as proof of identification under subsection
30 3, paragraph "b", or proof of identity under subsection 3,
31 paragraph "c", the person shall be offered the option to vote a
32 ballot, but only in accordance with section 49.81.

33 Sec. 8. Section 49.77, subsection 4, paragraph a, Code 2013,
34 is amended to read as follows:

35 a. A person whose name does not appear on the election

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1 register of the precinct in which that person claims the right
2 to vote shall not be permitted to vote, unless the person
3 affirms that the person is currently registered in the county
4 ~~and presents proof of identity,~~ or the commissioner informs
5 the precinct election officials that an error has occurred
6 and that the person is a registered voter of that precinct,
7 and the person presents proof of identification pursuant to
8 subsection 3. If the commissioner finds no record of the
9 person's registration but the person insists that the person
10 is a registered voter of that precinct, the precinct election
11 officials shall allow the person to cast a ballot in the manner
12 prescribed by section 49.81.

13 Sec. 9. Section 49.81, subsection 1, Code 2013, is amended
14 to read as follows:

15 1. A prospective voter who is prohibited under section
16 48A.8, subsection 4, section 49.77, subsection 3A, paragraph
17 "b", section 49.77, subsection 4, section 49.80, or section
18 53.19, subsection 3, or section 53.22, subsection 1, paragraph
19 "d", from voting except under this section shall be notified by
20 the appropriate precinct election official that the voter may
21 cast a provisional ballot. The voter shall mark the ballot and
22 immediately seal it in an envelope of the type prescribed by
23 subsection 4. The voter shall deliver the sealed envelope to a
24 precinct election official who shall deposit it in an envelope
25 marked "provisional ballots". The ballot shall be considered
26 as having been cast in the special precinct established by
27 section 53.20 for purposes of the postelection canvass.

28 Sec. 10. Section 49.81, subsection 2, paragraph b, Code
29 2013, is amended to read as follows:

30 b. If the person is casting a provisional ballot because
31 the person ~~failed~~ was unable or refused to provide a required
32 form of identification pursuant to section 48A.8, subsection
33 4, section 49.77, subsection 3A, paragraph "b", section 49.77,
34 subsection 4, or section 53.22, subsection 1, paragraph "d", a
35 list of the types of acceptable identification and notification

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1 that the person must show identification before the ballot can
2 be counted.

3 Sec. 11. Section 49.81, Code 2013, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 5. a. If a voter casts a provisional
6 ballot pursuant to section 49.77, subsection 3A, paragraph
7 "b", the precinct election official shall indicate on the
8 provisional ballot envelope that the voter is casting a
9 provisional ballot due to the voter's inability or refusal to
10 present proof of identification.

11 b. At the time a provisional ballot is cast the voter may
12 also execute an affidavit in the form prescribed by the state
13 commissioner which shall be attached to the provisional ballot
14 envelope, affirming that the voter is the person the voter
15 claims to be and further affirming either of the following:

16 (1) The voter is indigent and is unable to obtain proof of
17 identification without the payment of a fee.

18 (2) The voter has a religious objection to being
19 photographed.

20 c. A provisional ballot cast pursuant to section 49.77,
21 subsection 3A, paragraph "b", which is accompanied by an
22 affidavit executed pursuant to paragraph "b" of this subsection
23 shall be presumed valid by the special precinct board and
24 shall be counted unless additional written statements or
25 documents are delivered to the commissioner's office prior to
26 the date provisional ballots are considered by the special
27 precinct election board and the special precinct election board
28 determines such additional evidence successfully rebuts the
29 presumption of validity.

30 Sec. 12. Section 53.10, subsection 2, Code 2013, is amended
31 to read as follows:

32 2. Each person who wishes to vote by absentee ballot at
33 the commissioner's office shall first sign an application
34 for a ballot including the following information: name,
35 current address, and the election for which the ballot is

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1 requested. The person may report a change of address or other
2 information on the person's voter registration record at that
3 time. The person must also provide proof of identification
4 pursuant to section 49.77, subsection 3, or be offered the
5 option to vote a provisional ballot pursuant to section 49.77,
6 subsection 3A, paragraph "b", before receiving an absentee
7 ballot. Upon receipt of the absentee ballot, the registered
8 voter shall immediately mark the ballot; enclose the ballot in
9 a secrecy envelope, if necessary, and seal it in an affidavit
10 envelope; subscribe to the affidavit on the reverse side of the
11 envelope; and return the absentee ballot to the commissioner.
12 The commissioner shall record the numbers appearing on the
13 application and affidavit envelope along with the name of the
14 registered voter.

15 Sec. 13. Section 53.22, subsection 1, Code 2013, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. d. Before receiving a ballot under
18 this subsection, each applicant shall present proof of
19 identification pursuant to section 49.77, subsection 3, to
20 the special precinct election board members. If an applicant
21 is unable to present proof of identification, the applicant
22 shall have an opportunity to execute an affidavit in the form
23 prescribed by the state commissioner of elections affirming
24 that the voter does not have and is unable to obtain proof of
25 identification and that the voter resides in a hospital or
26 health care facility and is casting a ballot pursuant to this
27 section. If the applicant refuses to execute an affidavit, the
28 voter's ballot shall be considered a provisional ballot cast
29 pursuant to section 49.81.

30 Sec. 14. Section 321.190, subsection 1, paragraph d, Code
31 2013, is amended to read as follows:

32 d. The fee for a nonoperator's identification card shall
33 be five dollars and the card shall be valid for a period
34 of five years from the date of issuance. A nonoperator's
35 identification card shall be issued without expiration

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1 to anyone age seventy or over. If an applicant for a
2 nonoperator's identification card is a foreign national
3 who is temporarily present in this state, the nonoperator's
4 identification card shall be issued only for the length of time
5 the foreign national is authorized to be present as determined
6 by the department, not to exceed two years. An issuance fee
7 shall not be charged for a person whose driver's license or
8 driving privilege has been suspended under section 321.210,
9 subsection 1, paragraph "a", subparagraph (3), or for a person
10 obtaining an identification card to be used under section
11 49.77, subsection 3, for voting purposes. Identification cards
12 obtained for voting purposes shall be labeled by the department
13 as "For Voting Purposes Only".

14 DIVISION II

15 CONFORMING PROVISIONS

16 Sec. 15. Section 48A.8, subsection 2, unnumbered paragraph
17 1, Code 2013, is amended to read as follows:

18 An eligible elector who registers by mail and who has
19 not previously voted in an election for federal office in
20 the county of registration shall be required to provide
21 additional identification documents when voting for the first
22 time in the county, unless the registrant provided on the
23 registration form the registrant's Iowa driver's license
24 number, or the registrant's Iowa nonoperator's identification
25 card number, or the last four numerals of the registrant's
26 social security number and the driver's license, nonoperator's
27 identification, or partial social security number matches
28 an existing state or federal identification record with the
29 same number, name, and date of birth. If the registrant
30 is required to show additional identification under this
31 subsection and votes in person at the polls, or by absentee
32 ballot at the commissioner's office or at a satellite voting
33 station, the registrant shall provide a current and valid
34 photo identification card, or shall present to the appropriate
35 election official one of the following current documents that



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1 shows the name and address of the registrant:

2 Sec. 16. Section 48A.8, subsection 4, Code 2013, is amended
3 to read as follows:

4 4. A registrant under subsection 2 who is required to
5 present additional identification when casting a ballot in
6 person shall be permitted to vote a provisional ballot if the
7 voter does not provide the required additional identification
8 documents pursuant to subsection 2. If a voter who is required
9 to present such additional identification when casting a ballot
10 votes an absentee ballot by mail, the ballot returned by the
11 voter shall be considered a provisional ballot pursuant to
12 sections 49.81 and 53.31.

13 Sec. 17. Section 48A.27, subsection 4, paragraph c,
14 subparagraph (2), Code 2013, is amended to read as follows:

15 (2) The notice shall contain a statement in substantially
16 the following form:

17 Information received from the United States postal service
18 indicates that you are no longer a resident of, and therefore
19 not eligible to vote in (name of county) County, Iowa. If this
20 information is not correct, and you still live in (name of
21 county) County, please complete and mail the attached postage
22 paid card at least ten days before the primary or general
23 election and at least eleven days before any other election at
24 which you wish to vote. If the information is correct and you
25 have moved, please contact a local official in your new area
26 for assistance in registering there. ~~If you do not mail in~~
27 ~~the card, you may be required to show identification before~~
28 ~~being allowed to vote in (name of county) County.~~ If you do not
29 return the card, and you do not vote in an election in (name
30 of county) County, Iowa, on or before (date of second general
31 election following the date of the notice) your name will be
32 removed from the list of voters in that county.

33 Sec. 18. Section 48A.29, subsection 1, paragraph b, Code
34 2013, is amended to read as follows:

35 b. The notice shall contain a statement in substantially the

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1 following form:

2 Information received from the United States postal service
3 indicates that you are no longer a resident of (residence
4 address) in (name of county) County, Iowa. If this information
5 is not correct, and you still live in (name of county) County,
6 please complete and mail the attached postage paid card at
7 least ten days before the primary or general election and at
8 least eleven days before any other election at which you wish
9 to vote. If the information is correct, and you have moved,
10 please contact a local official in your new area for assistance
11 in registering there. ~~If you do not mail in the card, you may~~
12 ~~be required to show identification before being allowed to vote~~
13 ~~in (name of county) County.~~ If you do not return the card, and
14 you do not vote in some election in (name of county) County,
15 Iowa, on or before (date of second general election following
16 the date of the notice) your name will be removed from the list
17 of voters in that county.

18 Sec. 19. Section 48A.29, subsection 3, paragraph b, Code
19 2013, is amended to read as follows:

20 b. The notice shall contain a statement in substantially the
21 following form:

22 Information received by this office indicates that you are no
23 longer a resident of (residence address) in (name of county)
24 County, Iowa. If the information is not correct, and you still
25 live at that address, please complete and mail the attached
26 postage paid card at least ten days before the primary or
27 general election and at least eleven days before any other
28 election at which you wish to vote. If the information is
29 correct, and you have moved within the county, you may update
30 your registration by listing your new address on the card and
31 mailing it back. If you have moved outside the county, please
32 contact a local official in your new area for assistance in
33 registering there. ~~If you do not mail in the card, you may be~~
34 ~~required to show identification before being allowed to vote in~~
35 ~~(name of county) County.~~ If you do not return the card, and you

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1 do not vote in some election in (name of county) County, Iowa,
2 on or before (date of second general election following the
3 date of the notice) your name will be removed from the list of
4 registered voters in that county.

5 DIVISION III

6 APPLICABILITY

7 Sec. 20. APPLICABILITY. This Act applies to elections held
8 on or after January 1, 2015.

9 EXPLANATION

10 This bill requires that a person provide certain proof of
11 identification at the time that the person votes and modifies
12 proof of identification and proof of residence requirements for
13 election day and in-person absentee registration.

14 Division I of the bill modifies the proof of identification
15 and proof of residence requirements for election day and
16 in-person absentee registration. The bill requires that
17 acceptable proof of identification is the same proof of
18 identification required of a voter who is already registered
19 to vote. The bill removes residential leases and property tax
20 statements from the list of acceptable documents to provide
21 proof of residence for election day and in-person absentee
22 registration.

23 The bill maintains current law allowing a person wishing
24 to register to vote on election day, or in person when voting
25 an absentee ballot, to establish proof of identity and proof
26 of residence by written oath of a person who is registered to
27 vote in the precinct, but requires that the oath of the person
28 wishing to vote and the registered voter's oath be executed on
29 the same piece of paper.

30 The bill requires that a voter provide proof of
31 identification to a precinct election official before being
32 allowed to vote, and also requires that a person wishing to
33 vote by absentee ballot at a county commissioner of elections
34 office or at a satellite absentee voting station present
35 the same proof of identification. The bill requires that

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1 acceptable proof of identification show the name of the
2 individual voter, include a photograph of the voter, and be
3 issued by the government of the United States, the state of
4 Iowa, an Iowa public or private university or college, an Iowa
5 secondary school, or a political subdivision of the state.
6 The bill provides that, in lieu of providing identification
7 in order to vote, a person may establish proof of
8 identification by written oath of the person wishing to vote
9 and of a person who provides their own proof of identification
10 and who attests to the voter's identity. The bill provides
11 that the oath shall be in the form prescribed by the state
12 commissioner of elections, and that the oath shall state the
13 identity of the person wishing to vote and shall attest to
14 the stated identity of the person wishing to vote. The bill
15 requires that the oath be signed by both the attesting person
16 and the person wishing to vote. The bill makes it a class "D"
17 felony to falsely sign an oath pursuant to this provision or to
18 falsely attest to a voter's identity. The bill requires that
19 the oath advise both persons that falsely stating or attesting
20 to a voter's identity is a class "D" felony. A class "D" felony
21 is punishable by confinement for no more than five years and
22 a fine of at least \$750 but not more than \$7,500. The bill
23 provides that an attesting person is prohibited from signing
24 any additional such oaths for the same election.
25 The bill provides that if proof of identification is
26 established the person shall then be allowed to vote. If a
27 person is unable or refuses to present proof of identification,
28 or if the precinct election official determines that the
29 proof of identification does not meet specified requirements,
30 the person shall be offered the option to vote a provisional
31 ballot. If a person is casting a provisional ballot
32 under these circumstances, the person shall receive a
33 printed statement giving notice of the types of acceptable
34 identification and notice that the person is required to show
35 acceptable identification before the provisional ballot can be

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1 counted unless the voter executes an affidavit pursuant to Code
2 section 49.81, subsection 5. If a voter casts a provisional
3 ballot for these reasons, the precinct election official shall
4 indicate on the provisional ballot that the voter is casting
5 a provisional ballot due to the voter's inability or refusal
6 to present proof of identification. The bill provides that a
7 voter casting a provisional ballot for this reason may execute
8 an affidavit in the form prescribed by the state commissioner
9 of elections, affirming that the voter is the person the voter
10 claims to be and affirming that the voter is either indigent
11 and unable to obtain proof of identification without the
12 payment of a fee or that the voter has a religious objection to
13 being photographed.

14 The bill makes it a class "D" felony to falsify an affidavit
15 that attests to identity. A class "D" felony is punishable by
16 confinement for no more than five years and a fine of at least
17 \$750 but not more than \$7,500. The bill also provides that
18 any provisional ballot cast accompanied by such an affidavit
19 shall be presumed valid unless additional written statements
20 or documents are delivered to the county commissioner of
21 elections office prior to the date that provisional ballots
22 are considered and the precinct election board determines that
23 such additional evidence successfully rebuts the presumption
24 of validity.

25 The bill also makes changes to the election notice to be
26 published by the county commissioner of elections to require
27 that election notices include a statement that all voters will
28 be required to show proof of identification before casting a
29 ballot.

30 The bill requires that certain persons residing in a
31 hospital or health care facility who apply to vote by absentee
32 ballot shall present proof of identification. If the applicant
33 is unable to present proof of identification they shall be able
34 to execute an affidavit in the form prescribed by the state
35 commissioner of elections, stating that the voter does not have

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1 and is unable to obtain proof of identification and that the
2 voter resides in a hospital or health care facility. If the
3 applicant refuses to execute such an affidavit and is unable to
4 present proof of identification, the voter is allowed to cast a
5 provisional ballot.

6 The bill also provides that a person obtaining a
7 nonoperator's identification card for the purpose of voting
8 shall not be charged for the issuance of the nonoperator's
9 identification card. The bill requires that nonoperator's
10 identification cards issued to serve as proof of identification
11 for voting be labeled by the department as "For Voting Purposes
12 Only".

13 Division II of the bill makes conforming changes to certain
14 required notices on forms related to voter registration and
15 registration by mail.

16 Division III of the bill provides that the bill applies to
17 elections held on or after January 1, 2015.



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Senate Study Bill 1013 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE BOARD
BILL)

A BILL FOR

1 An Act relating to the legal sufficiency review of and
2 notification procedures for complaints filed with the Iowa
3 ethics and campaign disclosure board.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 68B.32B, subsections 5 and 6, Code 2013,
2 are amended to read as follows:

3 5. After receiving an evaluation of the legal sufficiency
4 of the complaint, the chairperson shall ~~refer the complaint to~~
5 ~~the board for a formal determination by the board of~~ determine
6 the legal sufficiency of the allegations contained in the
7 complaint.

8 6. If the ~~board~~ chairperson determines that none of the
9 allegations contained in the complaint are legally sufficient,
10 the complaint shall be dismissed. The complainant shall be
11 sent a notice of dismissal stating the reason or reasons
12 for the dismissal. A copy of the complaint and the notice
13 of dismissal shall also be sent to every board member. If
14 a copy of the complaint was sent to the subject of the
15 complaint, a copy of the notice shall be sent to the subject
16 of the complaint. If the ~~board~~ chairperson determines
17 that any allegation contained in the complaint is legally
18 sufficient, notice of the legal sufficiency shall be sent
19 to the complainant, the subject of the complaint, and every
20 board member and the complaint shall be referred to the board
21 staff for investigation of any legally sufficient allegations.
22 The board shall reconsider whether the complaint is legally
23 sufficient if a request to reconsider is filed with the board
24 by the complainant, the subject of the complaint, or a board
25 member within thirty days of the sending of the notice of
26 dismissal or investigation.

27 EXPLANATION

28 This bill relates to the legal sufficiency review of and
29 notification procedures for complaints filed with the Iowa
30 ethics and campaign disclosure board.

31 Currently, the chairperson of the Iowa ethics and campaign
32 disclosure board refers complaints to the board for a formal
33 determination on the legal sufficiency of the allegations
34 in the complaint. If all of the allegations are found to
35 be legally insufficient, the complaint is required to be

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1 dismissed. If any of the allegations in the complaint are
2 found to be legally sufficient, the complaint is referred
3 to the board staff for investigation for probable cause
4 determinations.

5 The bill requires the chairperson of the board to make the
6 legal sufficiency determination on complaints. If a complaint
7 is dismissed, the bill requires notice to be sent to the
8 complainant and every member of the board. If a complaint
9 is referred to the board staff for investigation, the bill
10 requires notice to be sent to the complainant, the subject
11 of the complaint, and every member of the board. The bill
12 requires the board to reconsider whether a complaint is legally
13 sufficient upon a request made by the complainant, the subject
14 of the complaint, or a board member.



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Senate Study Bill 1014 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED CITIZENS'
AIDE/OMBUDSMAN BILL)

A BILL FOR

1 An Act relating to the title of the office of citizens' aide.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 2.12, unnumbered paragraph 4, Code 2013,
2 is amended to read as follows:
3 There is appropriated out of any funds in the state treasury
4 not otherwise appropriated such sums as may be necessary for
5 the fiscal year budgets of the legislative services agency and
6 the ~~citizens'~~ aide ombudsman office for salaries, support,
7 maintenance, and miscellaneous purposes to carry out their
8 statutory responsibilities. The legislative services agency
9 and the ~~citizens'~~ aide ombudsman office shall submit their
10 proposed budgets to the legislative council not later than
11 September 1 of each year. The legislative council shall review
12 and approve the proposed budgets not later than December 1 of
13 each year. The budget approved by the legislative council for
14 each of its statutory legislative agencies shall be transmitted
15 by the legislative council to the department of management on
16 or before December 1 of each year for the fiscal year beginning
17 July 1 of the following year. The department of management
18 shall submit the approved budgets received from the legislative
19 council to the governor for inclusion in the governor's
20 proposed budget for the succeeding fiscal year. The approved
21 budgets shall also be submitted to the chairpersons of the
22 committees on appropriations. The committees on appropriations
23 may allocate from the funds appropriated by this section
24 the funds contained in the approved budgets, or such other
25 amounts as specified, pursuant to a concurrent resolution to be
26 approved by both houses of the general assembly. The director
27 of the department of administrative services shall issue
28 warrants for salaries, support, maintenance, and miscellaneous
29 purposes upon requisition by the administrative head of each
30 statutory legislative agency. If the legislative council
31 elects to change the approved budget for a legislative agency
32 prior to July 1, the legislative council shall transmit the
33 amount of the budget revision to the department of management
34 prior to July 1 of the fiscal year, however, if the general
35 assembly approved the budget it cannot be changed except

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1 pursuant to a concurrent resolution approved by the general
2 assembly.

3 Sec. 2. Section 2.42, subsection 14, Code 2013, is amended
4 to read as follows:

5 14. To hear and act upon appeals of aggrieved employees of
6 the legislative services agency and the office of the ~~citizens'~~
7 ~~aide~~ ombudsman pursuant to rules of procedure established by
8 the council.

9 Sec. 3. Section 2C.2, Code 2013, is amended to read as
10 follows:

11 **2C.2 Office established.**

12 The office of ~~citizens'~~ ~~aide~~ ombudsman is established.

13 Sec. 4. Section 2C.3, Code 2013, is amended to read as
14 follows:

15 **2C.3 Appointment — vacancy.**

16 1. The ~~citizens'~~ ~~aide~~ ombudsman shall be appointed by the
17 legislative council with the approval and confirmation of a
18 constitutional majority of the senate and with the approval
19 and confirmation of a constitutional majority of the house of
20 representatives. The legislative council shall fill a vacancy
21 in this office in the same manner as the original appointment.
22 If the appointment or vacancy occurs while the general assembly
23 is not in session, such appointment shall be reported to the
24 senate and the house of representatives within thirty days of
25 their convening at their next regular session for approval and
26 confirmation.

27 2. The ~~citizens'~~ ~~aide~~ ombudsman shall employ and supervise
28 all employees under the ~~citizens'~~ ~~aide's~~ ombudsman's direction
29 in such positions and at such salaries as shall be authorized
30 by the legislative council. The legislative council shall hear
31 and act upon appeals of aggrieved employees of the office of
32 the ~~citizens'~~ ~~aide~~ ombudsman.

33 Sec. 5. Section 2C.4, Code 2013, is amended to read as
34 follows:

35 **2C.4 Citizen of United States and resident of Iowa.**

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1 The ~~citizens'~~aide ombudsman shall be a citizen of the
2 United States and a resident of the state of Iowa, and shall
3 be qualified to analyze problems of law, administration, and
4 public policy.

5 Sec. 6. Section 2C.5, Code 2013, is amended to read as
6 follows:

7 **2C.5 Term — removal.**

8 The ~~citizens'~~aide ombudsman shall hold office for four
9 years from the first day in July of the year of approval by the
10 senate and the house of representatives, and until a successor
11 is appointed by the legislative council, unless the ~~citizens'~~
12 aide ombudsman can no longer perform the official duties, or
13 is removed from office. The ~~citizens'~~aide ombudsman may at
14 any time be removed from office by constitutional majority vote
15 of the two houses of the general assembly or as provided by
16 chapter 66. If a vacancy occurs in the office of ~~citizens'~~
17 aide ombudsman, the deputy ~~citizens'~~aide ombudsman shall act
18 as ~~citizens'~~aide ombudsman until the vacancy is filled by the
19 legislative council.

20 Sec. 7. Section 2C.6, Code 2013, is amended to read as
21 follows:

22 **2C.6 Deputy — assistant for penal agencies.**

23 1. The ~~citizens'~~aide ombudsman shall designate one of the
24 members of the staff as the deputy ~~citizens'~~aide ombudsman,
25 with authority to act as ~~citizens'~~aide ombudsman when the
26 ~~citizens'~~aide ombudsman is absent from the state or becomes
27 disabled. The ~~citizens'~~aide ombudsman may delegate to members
28 of the staff any of the ~~citizens'~~aide's authority or duties of
29 the office except the duty of formally making recommendations
30 to agencies or reports to the governor or the general assembly.

31 2. The ~~citizens'~~aide ombudsman shall appoint an assistant
32 who shall be primarily responsible for investigating complaints
33 relating to penal or correctional agencies.

34 Sec. 8. Section 2C.7, unnumbered paragraph 1, Code 2013, is
35 amended to read as follows:

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1 Neither the ~~citizens'~~ombudsman nor any member of the
2 staff shall:

3 Sec. 9. Section 2C.8, Code 2013, is amended to read as
4 follows:

5 **2C.8 Closed files.**

6 The ~~citizens'~~ombudsman may maintain secrecy in respect
7 to all matters including the identities of the complainants or
8 witnesses coming before the ~~citizens'~~ombudsman, except
9 that the general assembly, any standing committee of the
10 general assembly or the governor may require disclosure of any
11 matter and shall have complete access to the records and files
12 of the ~~citizens'~~ombudsman. The ~~citizens'~~ombudsman
13 may conduct private hearings.

14 Sec. 10. Section 2C.9, Code 2013, is amended to read as
15 follows:

16 **2C.9 Powers.**

17 The ~~citizens'~~ombudsman may:

18 1. Investigate, on complaint or on the ~~citizens'~~ombudsman's
19 ombudsman's own motion, any administrative action of any
20 agency, without regard to the finality of the administrative
21 action, except that the ~~citizens'~~ombudsman shall not
22 investigate the complaint of an employee of an agency in regard
23 to that employee's employment relationship with the agency
24 except as otherwise provided by this chapter. A communication
25 or receipt of information made pursuant to the powers
26 prescribed in this chapter shall not be considered an ex parte
27 communication as described in the provisions of section 17A.17.

28 2. Investigate, on complaint or on the ~~citizens'~~ombudsman's
29 ombudsman's own motion, any administrative action of any person
30 providing child welfare or juvenile justice services under
31 contract with an agency that is subject to investigation by the
32 ~~citizens'~~ombudsman. The person shall be considered to
33 be an agency for purposes of the ~~citizens'~~ombudsman's
34 investigation.

35 3. Prescribe the methods by which complaints are to be made,

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1 received, and acted upon; determine the scope and manner of
2 investigations to be made; and, subject to the requirements of
3 this chapter, determine the form, frequency, and distribution
4 of the conclusions and recommendations of the ~~citizens' aide~~
5 ombudsman.

6 4. Request and receive from each agency assistance and
7 information as necessary in the performance of the duties of
8 the office. Notwithstanding section 22.7, pursuant to an
9 investigation the ~~citizens' aide~~ ombudsman may examine any and
10 all records and documents of any agency unless its custodian
11 demonstrates that the examination would violate federal
12 law or result in the denial of federal funds to the agency.
13 Confidential documents provided to the ~~citizens' aide~~ ombudsman
14 by other agencies shall continue to maintain their confidential
15 status. The ~~citizens' aide~~ ombudsman is subject to the same
16 policies and penalties regarding the confidentiality of the
17 document as an employee of the agency. The ~~citizens' aide~~
18 ombudsman may enter and inspect premises within any agency's
19 control and may observe proceedings and attend hearings, with
20 the consent of the interested party, including those held under
21 a provision of confidentiality, conducted by any agency unless
22 the agency demonstrates that the attendance or observation
23 would violate federal law or result in the denial of federal
24 funds to that agency. This subsection does not permit the
25 examination of records or access to hearings and proceedings
26 which are the work product of an attorney under section 22.7,
27 subsection 4, or which are privileged communications under
28 section 622.10.

29 5. Issue a subpoena to compel any person to appear, give
30 sworn testimony, or produce documentary or other evidence
31 relevant to a matter under inquiry. The ~~citizens' aide~~
32 ombudsman, deputies, and assistants of the ~~citizens' aide~~
33 ombudsman may administer oaths to persons giving testimony
34 before them. If a witness either fails or refuses to obey
35 a subpoena issued by the ~~citizens' aide~~ ombudsman, the

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1 ~~citizens' aide~~ ombudsman may petition the district court having
2 jurisdiction for an order directing obedience to the subpoena.
3 If the court finds that the subpoena should be obeyed, it shall
4 enter an order requiring obedience to the subpoena, and refusal
5 to obey the court order is subject to punishment for contempt.

6 6. Establish rules relating to the operation, organization,
7 and procedure of the office of the ~~citizens' aide~~ ombudsman.
8 The rules are exempt from chapter 17A and shall be published in
9 the Iowa administrative code.

10 Sec. 11. Section 2C.10, Code 2013, is amended to read as
11 follows:

12 **2C.10 No charge for services.**

13 ~~No~~ A monetary charge or other charge shall not be levied upon
14 any person as a prerequisite to presentation of a complaint to
15 the ~~citizens' aide~~ ombudsman.

16 Sec. 12. Section 2C.11, Code 2013, is amended to read as
17 follows:

18 **2C.11 Subjects for investigations.**

19 1. An appropriate subject for investigation by the office of
20 the ~~citizens' aide~~ ombudsman is an administrative action that
21 might be:

22 a. Contrary to law or regulation.

23 b. Unreasonable, unfair, oppressive, or inconsistent with
24 the general course of an agency's functioning, even though in
25 accordance with law.

26 c. Based on a mistake of law or arbitrary in ascertainties
27 of fact.

28 d. Based on improper motivation or irrelevant consideration.

29 e. Unaccompanied by an adequate statement of reasons.

30 2. The ~~citizens' aide~~ ombudsman may also be concerned with
31 strengthening procedures and practices which lessen the risk
32 that objectionable administrative actions will occur.

33 Sec. 13. Section 2C.11A, Code 2013, is amended to read as
34 follows:

35 **2C.11A Subjects for investigations — disclosures of**

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1 information.

2 The office of ~~citizens'~~ombudsman shall investigate
3 a complaint filed by an employee who is not a merit system
4 employee or an employee covered by a collective bargaining
5 agreement and who alleges that adverse employment action has
6 been taken against the employee in violation of section 70A.28,
7 subsection 2. A complaint filed pursuant to this section shall
8 be made within thirty calendar days following the effective
9 date of the adverse employment action. The ~~citizens'~~ombudsman
10 shall investigate the matter and shall issue findings
11 relative to the complaint in an expeditious manner.

12 Sec. 14. Section 2C.12, Code 2013, is amended to read as
13 follows:

14 **2C.12 Complaints investigated.**

15 1. The ~~citizens'~~ombudsman may receive a complaint from
16 any source concerning an administrative action. The ~~citizens'~~
17 ombudsman shall conduct a suitable investigation into the
18 administrative actions complained of unless the ~~citizens'~~ombudsman
19 finds substantiating facts that:

20 a. The complainant has available another remedy or channel
21 of complaint which the complainant could reasonably be expected
22 to use.

23 b. The grievance pertains to a matter outside the ~~citizens'~~
24 ombudsman's power.

25 c. The complainant has no substantive or procedural interest
26 which is directly affected by the matter complained about.

27 d. The complaint is trivial, frivolous, vexatious, or not
28 made in good faith.

29 e. Other complaints are more worthy of attention.

30 f. The ~~citizens'~~ombudsman's resources are insufficient
31 for adequate investigation.

32 g. The complaint has been delayed too long to justify
33 present examination of its merit.

34 2. The ~~citizens'~~ombudsman may decline to investigate
35 a complaint, but shall not be prohibited from inquiring into

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1 the matter complained about or into related problems at some
2 future time.

3 Sec. 15. Section 2C.13, Code 2013, is amended to read as
4 follows:

5 **2C.13 No investigation — notice to complainant.**

6 If the ~~citizens'~~aide ombudsman decides not to investigate,
7 the complainant shall be informed of the reasons for
8 the decision. If the ~~citizens'~~aide ombudsman decides
9 to investigate, the complainant and the agency shall be
10 notified of the decision. After completing consideration
11 of a complaint, whether or not it has been investigated,
12 the ~~citizens'~~aide ombudsman shall without delay inform the
13 complainant of the fact, and if appropriate, shall inform the
14 agency involved. The ~~citizens'~~aide ombudsman shall on request
15 of the complainant, and as appropriate, report the status of
16 the investigation to the complainant.

17 Sec. 16. Section 2C.14, Code 2013, is amended to read as
18 follows:

19 **2C.14 Institutionalized complainants.**

20 A letter to the ~~citizens'~~aide ombudsman from a person in
21 a correctional institution, a hospital, or other institution
22 under the control of an agency shall be immediately forwarded,
23 unopened, to the ~~citizens'~~aide ombudsman by the institution
24 where the writer of the letter is a resident. A letter from the
25 ~~citizens'~~aide ombudsman to such a person shall be immediately
26 delivered, unopened, to the person.

27 Sec. 17. Section 2C.15, Code 2013, is amended to read as
28 follows:

29 **2C.15 Reports critical of agency or officer.**

30 Before announcing a conclusion or recommendation that
31 criticizes an agency or any officer or employee, the ~~citizens'~~
32 aide ombudsman shall consult with that agency, officer, or
33 employee, and shall attach to every report sent or made under
34 the provisions of this chapter a copy of any unedited comments
35 made by or on behalf of the officer, employee, or agency.

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1 Sec. 18. Section 2C.16, Code 2013, is amended to read as
2 follows:

3 **2C.16 Recommendations to agency.**

4 1. The ~~citizens'~~ombudsman shall state recommendations
5 to an agency, if, after having considered a complaint and
6 whatever material the ~~citizens'~~ombudsman deems pertinent,
7 the ~~citizens'~~ombudsman finds substantiating facts for any
8 of the following:

9 a. A matter should be further considered by the agency.

10 b. An administrative action should be modified or canceled.

11 c. A rule on which an administrative action is based should
12 be altered.

13 d. Reasons should be given for an administrative action.

14 e. Any other action should be taken by the agency.

15 2. If the ~~citizens'~~ombudsman requests, the agency
16 shall, within twenty working days notify the ~~citizens'~~ombudsman
17 of any action taken on the recommendations or the
18 reasons for not complying with them.

19 3. If the ~~citizens'~~ombudsman believes that an
20 administrative action has occurred because of laws of which
21 results are unfair or otherwise objectionable, the ~~citizens'~~
22 ombudsman shall notify the general assembly concerning
23 desirable statutory change.

24 Sec. 19. Section 2C.17, Code 2013, is amended to read as
25 follows:

26 **2C.17 Publication of conclusions.**

27 1. The ~~citizens'~~ombudsman may publish the
28 conclusions, recommendations, and suggestions and transmit
29 them to the governor or the general assembly or any of its
30 committees. When publishing an opinion adverse to an agency or
31 official the ~~citizens'~~ombudsman shall, unless excused by
32 the agency or official affected, include with the opinion any
33 unedited reply made by the agency.

34 2. Any conclusions, recommendations, and suggestions so
35 published may at the same time be made available to the news

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1 media or others who may be concerned.

2 Sec. 20. Section 2C.18, Code 2013, is amended to read as
3 follows:

4 **2C.18 Report to general assembly.**

5 The ~~citizens'~~aide ombudsman shall by April 1 of each year
6 submit an economically designed and reproduced report to the
7 general assembly and to the governor concerning the exercise
8 of the ~~citizens'~~aide ombudsman functions during the preceding
9 calendar year. In discussing matters with which the ~~citizens'~~
10 aide ombudsman has been concerned, the ~~citizens'~~aide ombudsman
11 shall not identify specific persons if to do so would cause
12 needless hardship. If the annual report criticizes a named
13 agency or official, it shall also include unedited replies made
14 by the agency or official to the criticism, unless excused by
15 the agency or official affected.

16 Sec. 21. Section 2C.19, Code 2013, is amended to read as
17 follows:

18 **2C.19 Disciplinary action recommended.**

19 If the ~~citizens'~~aide ombudsman believes that any public
20 official, employee or other person has acted in a manner
21 warranting criminal or disciplinary proceedings, the ~~citizens'~~
22 aide ombudsman shall refer the matter to the appropriate
23 authorities.

24 Sec. 22. Section 2C.20, Code 2013, is amended to read as
25 follows:

26 **2C.20 Immunities.**

27 No civil action, except removal from office as provided
28 in chapter 66, or proceeding shall be commenced against the
29 ~~citizens'~~aide ombudsman or any member of the staff for any
30 act or omission performed pursuant to the provisions of this
31 chapter unless the act or omission is actuated by malice or
32 is grossly negligent, nor shall the ~~citizens'~~aide ombudsman
33 or any member of the staff be compelled to testify in any
34 court with respect to any matter involving the exercise of the
35 ~~citizens'~~aide's ombudsman's official duties except as may be

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1 necessary to enforce the provisions of this chapter.

2 Sec. 23. Section 2C.21, Code 2013, is amended to read as
3 follows:

4 **2C.21 Witnesses.**

5 A person required by the ~~citizens'~~ aide ombudsman to provide
6 information shall be paid the same fees and travel allowances
7 as are extended to witnesses whose attendance has been required
8 in the district courts of this state. Officers and employees
9 of an agency shall not be entitled to such fees and allowances.
10 A person who, with or without service of compulsory process,
11 provides oral or documentary information requested by the
12 ~~citizens'~~ aide ombudsman shall be accorded the same privileges
13 and immunities as are extended to witnesses in the courts of
14 this state, and shall also be entitled to be accompanied and
15 advised by counsel while being questioned.

16 Sec. 24. Section 2C.22, Code 2013, is amended to read as
17 follows:

18 **2C.22 Penalties.**

19 A person who willfully obstructs or hinders the lawful
20 actions of the ~~citizens'~~ aide ombudsman or the ~~citizens'~~ aide's
21 ombudsman's staff, or who willfully misleads or attempts to
22 mislead the ~~citizens'~~ aide ombudsman in the ~~citizens'~~ aide's
23 ombudsman's inquiries, shall be guilty of a simple misdemeanor.

24 Sec. 25. Section 2C.23, Code 2013, is amended to read as
25 follows:

26 **2C.23 Citation.**

27 This chapter shall be known and may be cited as the "*Iowa*
28 *~~Citizens' Aide Ombudsman~~ Act*".

29 Sec. 26. Section 8F.3, subsection 1, paragraph d, Code 2013,
30 is amended to read as follows:

31 *d.* Information regarding any policies adopted by the
32 governing body of the recipient entity that prohibit taking
33 adverse employment action against employees of the recipient
34 entity who disclose information about a service contract to
35 the oversight agency, the auditor of state, the office of the

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1 attorney general, or the office of ~~citizens' aide~~ ombudsman and
2 that state whether those policies are substantially similar
3 to the protection provided to state employees under section
4 70A.28. The information provided shall state whether employees
5 of the recipient entity are informed on a regular basis of
6 their rights to disclose information to the oversight agency,
7 the office of ~~citizens' aide~~ ombudsman, the auditor of state,
8 or the office of the attorney general and the telephone numbers
9 of those organizations.

10 Sec. 27. Section 23A.4, Code 2013, is amended to read as
11 follows:

12 **23A.4 Relief for aggrieved persons.**

13 1. Any aggrieved person may, after pursuing remedies
14 offered by chapter 17A, seek injunctive relief for violations
15 of this chapter by filing an action in the district court for
16 the county in which the aggrieved business is located.

17 2. A state agency or political subdivision found to be in
18 violation of this chapter shall be assessed and shall pay to
19 the aggrieved person fees and other expenses, as defined in
20 section 625.28.

21 3. Chapter 17A and this section are the exclusive remedy
22 for violations of this chapter. However, the office of the
23 ~~citizens' aide~~ ombudsman may review violations of this chapter
24 and make recommendations as provided in chapter 2C.

25 Sec. 28. Section 70A.28, subsections 2, 6, and 8, Code 2013,
26 are amended to read as follows:

27 2. A person shall not discharge an employee from or take
28 or fail to take action regarding an employee's appointment or
29 proposed appointment to, promotion or proposed promotion to,
30 or any advantage in, a position in a state employment system
31 administered by, or subject to approval of, a state agency as a
32 reprisal for a failure by that employee to inform the person
33 that the employee made a disclosure of information permitted
34 by this section, or for a disclosure of any information by
35 that employee to a member or employee of the general assembly,

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1 a disclosure of information to the office of ~~citizens' aide~~
2 ombudsman, or a disclosure of information to any other public
3 official or law enforcement agency if the employee reasonably
4 believes the information evidences a violation of law or rule,
5 mismanagement, a gross abuse of funds, an abuse of authority,
6 or a substantial and specific danger to public health or
7 safety. However, an employee may be required to inform the
8 person that the employee made a disclosure of information
9 permitted by this section if the employee represented that
10 the disclosure was the official position of the employee's
11 immediate supervisor or employer.

12 6. Subsection 2 may also be enforced by an employee through
13 an administrative action pursuant to the requirements of this
14 subsection if the employee is not a merit system employee or
15 an employee covered by a collective bargaining agreement. An
16 employee eligible to pursue an administrative action pursuant
17 to this subsection who is discharged, suspended, demoted,
18 or otherwise receives a reduction in pay and who believes
19 the adverse employment action was taken as a result of the
20 employee's disclosure of information that was authorized
21 pursuant to subsection 2, may file an appeal of the adverse
22 employment action with the public employment relations
23 board within thirty calendar days following the later of the
24 effective date of the action or the date a finding is issued
25 to the employee by the office of the ~~citizens' aide~~ ombudsman
26 pursuant to section 2C.11A. The findings issued by the
27 ~~citizens' aide~~ ombudsman may be introduced as evidence before
28 the public employment relations board. The employee has the
29 right to a hearing closed to the public, but may request a
30 public hearing. The hearing shall otherwise be conducted in
31 accordance with the rules of the public employment relations
32 board and the Iowa administrative procedure Act, chapter 17A.
33 If the public employment relations board finds that the action
34 taken in regard to the employee was in violation of subsection
35 2, the employee may be reinstated without loss of pay or

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1 benefits for the elapsed period, or the public employment
2 relations board may provide other appropriate remedies.
3 Decisions by the public employment relations board constitute
4 final agency action.

5 8. The director of the department of administrative
6 services or, for employees of the general assembly or of the
7 state board of regents, the legislative council or the state
8 board of regents, respectively, shall provide procedures for
9 notifying new state employees of the provisions of this section
10 and shall periodically conduct promotional campaigns to provide
11 similar information to state employees. The information shall
12 include the toll-free telephone number of the ~~citizens' aide~~
13 ombudsman.

14 Sec. 29. Section 217.3A, subsection 3, paragraph a,
15 subparagraph (1), Code 2013, is amended to read as follows:

16 (1) Members of the advisory committee shall include at least
17 one district judge and representatives of custodial parent
18 groups, noncustodial parent groups, the general assembly,
19 the office of ~~citizens' aide~~ ombudsman, the Iowa state bar
20 association, the Iowa county attorneys association, and
21 other constituencies which have an interest in child support
22 enforcement issues, appointed by the respective entity.

23 Sec. 30. Section 236.16, subsection 1, paragraph c, Code
24 2013, is amended to read as follows:

25 c. Designate and award moneys for publicizing and staffing
26 a statewide, toll-free telephone hotline for use by victims
27 of domestic abuse. The department may award a grant to a
28 public agency or a private, nonprofit organization for the
29 purpose of operating the hotline. The operation of the
30 hotline shall include informing victims of their rights and
31 of various community services that are available, referring
32 victims to service providers, receiving complaints concerning
33 misconduct by peace officers and encouraging victims to refer
34 such complaints to the office of ~~citizens' aide~~ ombudsman,
35 providing counseling services to victims over the telephone,

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1 and providing domestic abuse victim advocacy.

2 EXPLANATION

3 This bill changes the title of the office of citizens' aide
4 to the office of ombudsman. The office is established in Code
5 chapter 2C.



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Senate Study Bill 1015 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH/BOARD OF
MEDICINE BILL)

A BILL FOR

1 An Act relating to the Iowa information program for drug
2 prescribing and dispensing.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 124.553, subsection 6, Code 2013, is
2 amended to read as follows:

3 6. a. ~~Nothing in this section shall require a~~ A pharmacist
4 or prescribing practitioner ~~to~~ shall obtain information about
5 a patient from the program before prescribing or renewing
6 a prescription for a controlled substance or filling a
7 prescription for a controlled substance if the pharmacist or
8 prescribing practitioner believes or has reason to believe that
9 a patient is at risk of controlled substance diversion, misuse,
10 or abuse. The licensing board of a pharmacist or prescribing
11 practitioner may adopt rules to implement this subsection.

12 b. A pharmacist or prescribing practitioner ~~does not have~~
13 ~~a duty and~~ acting reasonably and in good faith shall not be
14 held liable in damages to any person in any civil or derivative
15 criminal or administrative action for injury, death, or loss
16 to person or property on the basis that the pharmacist or
17 prescribing practitioner did or did not seek or obtain or use
18 information from the program. A pharmacist or prescribing
19 practitioner acting reasonably and in good faith is immune from
20 any civil, criminal, or administrative liability that might
21 otherwise be incurred or imposed for requesting or receiving or
22 using information from the program.

23 EXPLANATION

24 This bill relates to the information program for drug
25 prescribing and dispensing (Iowa prescription monitoring
26 program).

27 The bill requires a pharmacist or prescribing practitioner
28 to obtain information about a patient from the information
29 program for drug prescribing and dispensing before prescribing
30 or renewing a prescription for a controlled substance if the
31 pharmacist or prescribing practitioner believes or has reason
32 to believe the patient is at risk of drug diversion, misuse,
33 or abuse. However, the bill provides that a pharmacist or
34 prescribing practitioner who acts reasonably and in good faith
35 is not liable for damages on the basis that the pharmacist or

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1 prescribing practitioner did or did not seek information from
2 the program.

3 The bill allows the licensing board of a pharmacist or
4 prescribing practitioner to adopt rules to implement the bill.

5 The bill also strikes provisions relating to pharmacist or
6 prescribing practitioner liability.



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Senate Study Bill 1016 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

A BILL FOR

1 An Act relating to programs and services under the purview of
2 the department of public health.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I
2 ORGANIZED DELIVERY SYSTEMS
3 Section 1. Section 135H.3, subsection 2, Code 2013, is
4 amended to read as follows:
5 2. If a child is diagnosed with a biologically based mental
6 illness as defined in section 514C.22 and meets the medical
7 assistance program criteria for admission to a psychiatric
8 medical institution for children, the child shall be deemed
9 to meet the acuity criteria for medically necessary inpatient
10 benefits under a group policy, contract, or plan providing
11 for third-party payment or prepayment of health, medical, and
12 surgical coverage benefits issued by a carrier, as defined in
13 section 513B.2, ~~or by an organized delivery system authorized~~
14 ~~under 1993 Iowa Acts, ch. 158,~~ that is subject to section
15 514C.22. Such medically necessary benefits shall not be
16 excluded or denied as care that is substantially custodial in
17 nature under section 514C.22, subsection 8, paragraph "b".
18 Sec. 2. Section 505.32, subsection 2, paragraph i, Code
19 2013, is amended by striking the paragraph.
20 Sec. 3. Section 507B.4, subsection 1, Code 2013, is amended
21 to read as follows:
22 1. For purposes of subsection 3, paragraph "p", "insurer"
23 means an entity providing a plan of health insurance, health
24 care benefits, or health care services, or an entity subject
25 to the jurisdiction of the commissioner performing utilization
26 review, including an insurance company offering sickness and
27 accident plans, a health maintenance organization, ~~an organized~~
28 ~~delivery system authorized under 1993 Iowa Acts, ch. 158, and~~
29 ~~licensed by the department of public health,~~ a nonprofit health
30 service corporation, a plan established pursuant to chapter
31 509A for public employees, or any other entity providing a
32 plan of health insurance, health care benefits, or health care
33 services. However, "insurer" does not include an entity that
34 sells disability income or long-term care insurance.
35 Sec. 4. Section 507B.4A, subsection 2, paragraph a, Code

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1 2013, is amended to read as follows:

2 a. An insurer providing accident and sickness insurance
3 under chapter 509, 514, or 514A; a health maintenance
4 organization; ~~an organized delivery system authorized under~~
5 ~~1993 Iowa Acts, ch. 158, and licensed by the department of~~
6 ~~public health~~; or another entity providing health insurance or
7 health benefits subject to state insurance regulation shall
8 either accept and pay or deny a clean claim.

9 Sec. 5. Section 509.3A, subsection 11, Code 2013, is amended
10 by striking the subsection.

11 Sec. 6. Section 509.19, subsection 2, paragraph d, Code
12 2013, is amended by striking the paragraph.

13 Sec. 7. Section 513B.2, subsection 8, paragraph k, Code
14 2013, is amended by striking the paragraph.

15 Sec. 8. Section 513B.7, subsection 3, Code 2013, is amended
16 to read as follows:

17 3. A small employer carrier ~~or organized delivery system~~
18 shall make the information and documentation described in
19 subsection 1 available to the commissioner ~~or the director of~~
20 ~~public health~~ upon request. The information is not a public
21 record or otherwise subject to disclosure under chapter 22,
22 and is considered proprietary and trade secret information
23 and is not subject to disclosure by the commissioner ~~or the~~
24 ~~director of public health~~ to persons outside of the division ~~or~~
25 ~~department~~ except as agreed to by the small employer carrier ~~or~~
26 ~~organized delivery system~~ or as ordered by a court of competent
27 jurisdiction.

28 Sec. 9. Section 513B.10, subsection 1, paragraph b,
29 subparagraph (2), unnumbered paragraph 1, Code 2013, is amended
30 to read as follows:

31 Deny such coverage to such employers within the service area
32 of such plan if the carrier ~~or organized delivery system~~ has
33 demonstrated to the ~~applicable state authority~~ commissioner
34 both of the following:

35 Sec. 10. Section 513B.10, subsection 3, paragraph c, Code

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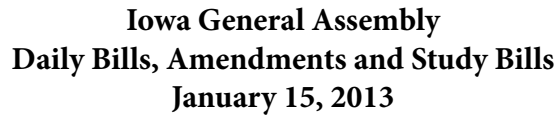
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1 2013, is amended to read as follows:

2 ~~c.~~ A carrier ~~or organized delivery system~~ shall waive
3 any waiting period applicable to a preexisting condition
4 exclusion or limitation period with respect to particular
5 services under health insurance coverage for the period
6 of time an individual was covered by creditable coverage,
7 provided that the creditable coverage was continuous to a
8 date not more than sixty-three days prior to the effective
9 date of the new coverage. Any period that an individual
10 is in a waiting period for any coverage under group health
11 insurance coverage, or is in an affiliation period, shall not
12 be taken into account in determining the period of continuous
13 coverage. A health maintenance organization that does not
14 use preexisting condition limitations in any of its health
15 insurance coverage may impose an affiliation period. For
16 purposes of this section, "*affiliation period*" means a period
17 of time not to exceed sixty days for new entrants and not to
18 exceed ninety days for late enrollees during which no premium
19 shall be collected and coverage issued is not effective, so
20 long as the affiliation period is applied uniformly, without
21 regard to any health status-related factors. This paragraph
22 does not preclude application of a waiting period applicable
23 to all new enrollees under the health insurance coverage,
24 provided that any ~~carrier or organized delivery system imposed~~
25 carrier-imposed waiting period is no longer than sixty days and
26 is used in lieu of a preexisting condition exclusion.

27 Sec. 11. Section 513C.3, subsection 5, Code 2013, is amended
28 to read as follows:

29 5. "*Carrier*" means any entity that provides individual
30 health benefit plans in this state. For purposes of this
31 chapter, carrier includes an insurance company, a group
32 hospital or medical service corporation, a fraternal benefit
33 society, a health maintenance organization, and any other
34 entity providing an individual plan of health insurance
35 or health benefits subject to state insurance regulation.



1 ~~"Carrier" does not include an organized delivery system.~~
2 Sec. 12. Section 513C.3, subsection 7, Code 2013, is amended
3 by striking the subsection.
4 Sec. 13. Section 513C.3, subsection 9, Code 2013, is amended
5 to read as follows:
6 9. *"Established service area"* means a geographic area,
7 as approved by the commissioner and based upon the carrier's
8 certificate of authority to transact business in this state,
9 within which the carrier is authorized to provide coverage ~~or~~
10 ~~a geographic area, as approved by the director and based upon~~
11 ~~the organized delivery system's license to transact business~~
12 ~~in this state, within which the organized delivery system is~~
13 ~~authorized to provide coverage.~~
14 Sec. 14. Section 513C.3, subsection 12, Code 2013, is
15 amended by striking the subsection.
16 Sec. 15. Section 513C.3, subsection 15, paragraph a,
17 subparagraph (3), Code 2013, is amended by striking the
18 subparagraph.
19 Sec. 16. Section 513C.7, subsection 1, paragraph b, Code
20 2013, is amended by striking the paragraph.
21 Sec. 17. Section 513C.10, subsection 10, paragraph b, Code
22 2013, is amended by striking the paragraph.
23 Sec. 18. Section 514A.3B, subsection 3, paragraph k, Code
24 2013, is amended by striking the paragraph.
25 Sec. 19. Section 514B.25A, subsection 1, Code 2013, is
26 amended to read as follows:
27 1. Upon a health maintenance organization ~~or organized~~
28 ~~delivery system~~ authorized to do business in this state and
29 ~~licensed by the director of public health~~ being declared
30 insolvent by the district court, the commissioner may levy an
31 assessment on each health maintenance organization ~~or organized~~
32 ~~delivery system~~ doing business in this state and ~~licensed by~~
33 ~~the director of public health, as applicable, to pay claims~~
34 for uncovered expenditures for enrollees. The commissioner
35 shall not assess an amount in any one calendar year which is



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1 more than two percent of the aggregate premium written by each
2 health maintenance organization ~~or organized delivery system~~.

3 Sec. 20. Section 514C.10, subsection 2, paragraph e, Code
4 2013, is amended by striking the paragraph.

5 Sec. 21. Section 514C.11, Code 2013, is amended to read as
6 follows:

7 **514C.11 Services provided by licensed physician assistants**
8 **and licensed advanced registered nurse practitioners.**

9 Notwithstanding section 514C.6, a policy or contract
10 providing for third-party payment or prepayment of health or
11 medical expenses shall include a provision for the payment
12 of necessary medical or surgical care and treatment provided
13 by a physician assistant licensed pursuant to chapter 148C,
14 or provided by an advanced registered nurse practitioner
15 licensed pursuant to chapter 152 and performed within the
16 scope of the license of the licensed physician assistant or
17 the licensed advanced registered nurse practitioner if the
18 policy or contract would pay for the care and treatment if
19 the care and treatment were provided by a person engaged in
20 the practice of medicine and surgery or osteopathic medicine
21 and surgery under chapter 148. The policy or contract shall
22 provide that policyholders and subscribers under the policy
23 or contract may reject the coverage for services which may
24 be provided by a licensed physician assistant or licensed
25 advanced registered nurse practitioner if the coverage is
26 rejected for all providers of similar services. A policy or
27 contract subject to this section shall not impose a practice
28 or supervision restriction which is inconsistent with or more
29 restrictive than the restriction already imposed by law. This
30 section applies to services provided under a policy or contract
31 delivered, issued for delivery, continued, or renewed in this
32 state on or after July 1, 1996, and to an existing policy or
33 contract, on the policy's or contract's anniversary or renewal
34 date, or upon the expiration of the applicable collective
35 bargaining contract, if any, whichever is later. This section



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1 does not apply to policyholders or subscribers eligible for
2 coverage under Tit. XVIII of the federal Social Security Act
3 or any similar coverage under a state or federal government
4 plan. For the purposes of this section, third-party payment
5 or prepayment includes an individual or group policy of
6 accident or health insurance or individual or group hospital
7 or health care service contract issued pursuant to chapter
8 509, 514, or 514A, an individual or group health maintenance
9 organization contract issued and regulated under chapter 514B,
10 ~~an organized delivery system contract regulated under rules~~
11 ~~adopted by the director of public health,~~ or a preferred
12 provider organization contract regulated pursuant to chapter
13 514F. Nothing in this section shall be interpreted to require
14 an individual or group health maintenance organization, ~~an~~
15 ~~organized delivery system,~~ or a preferred provider organization
16 or arrangement to provide payment or prepayment for services
17 provided by a licensed physician assistant or licensed advanced
18 registered nurse practitioner unless the physician assistant's
19 supervising physician, the physician-physician assistant team,
20 the advanced registered nurse practitioner, or the advanced
21 registered nurse practitioner's collaborating physician has
22 entered into a contract or other agreement to provide services
23 with the individual or group health maintenance organization,
24 ~~the organized delivery system,~~ or the preferred provider
25 organization or arrangement.

26 Sec. 22. Section 514C.13, subsection 1, paragraph h, Code
27 2013, is amended by striking the paragraph.

28 Sec. 23. Section 514C.14, subsections 1 and 3, Code 2013,
29 are amended to read as follows:

30 1. Except as provided under subsection 2 or 3, a carrier,
31 as defined in section 513B.2, ~~an organized delivery system~~
32 ~~authorized under 1993 Iowa Acts, ch. 158,~~ or a plan established
33 pursuant to chapter 509A for public employees, which terminates
34 its contract with a participating health care provider,
35 shall continue to provide coverage under the contract to a



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1 covered person in the second or third trimester of pregnancy
2 for continued care from such health care provider. Such
3 persons may continue to receive such treatment or care through
4 postpartum care related to the child birth and delivery.
5 Payment for covered benefits and benefit levels shall be
6 according to the terms and conditions of the contract.

7 3. A carrier, ~~organized delivery system,~~ or a plan
8 established under chapter 509A, which terminates the contract
9 of a participating health care provider for cause shall not
10 be liable to pay for health care services provided by the
11 health care provider to a covered person following the date of
12 termination.

13 Sec. 24. Section 514C.15, unnumbered paragraph 1, Code
14 2013, is amended to read as follows:

15 A carrier, as defined in section 513B.2, ~~an organized~~
16 ~~delivery system authorized under 1993 Iowa Acts, ch. 158,~~
17 ~~and licensed by the director of public health,~~ or a plan
18 established pursuant to chapter 509A for public employees,
19 shall not prohibit a participating provider from, or penalize a
20 participating provider for, doing either of the following:

21 Sec. 25. Section 514C.16, subsection 1, Code 2013, is
22 amended to read as follows:

23 1. A carrier, as defined in section 513B.2, ~~an organized~~
24 ~~delivery system authorized under 1993 Iowa Acts, ch. 158,~~
25 ~~and licensed by the director of public health,~~ or a plan
26 established pursuant to chapter 509A for public employees,
27 which provides coverage for emergency services, is responsible
28 for charges for emergency services provided to a covered
29 individual, including services furnished outside any
30 contractual provider network or preferred provider network.
31 Coverage for emergency services is subject to the terms and
32 conditions of the health benefit plan or contract.

33 Sec. 26. Section 514C.17, subsections 1 and 3, Code 2013,
34 are amended to read as follows:

35 1. Except as provided under subsection 2 or 3, if a carrier,



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1 as defined in section 513B.2, ~~an organized delivery system~~
2 ~~authorized under 1993 Iowa Acts, ch. 158,~~ or a plan established
3 pursuant to chapter 509A for public employees, terminates its
4 contract with a participating health care provider, a covered
5 individual who is undergoing a specified course of treatment
6 for a terminal illness or a related condition, with the
7 recommendation of the covered individual's treating physician
8 licensed under chapter 148 may continue to receive coverage for
9 treatment received from the covered individual's physician for
10 the terminal illness or a related condition, for a period of
11 up to ninety days. Payment for covered benefits and benefit
12 levels shall be according to the terms and conditions of the
13 contract.

14 3. Notwithstanding subsections 1 and 2, a carrier,
15 ~~organized delivery system,~~ or a plan established under chapter
16 509A which terminates the contract of a participating health
17 care provider for cause shall not be required to cover health
18 care services provided by the health care provider to a covered
19 person following the date of termination.

20 Sec. 27. Section 514C.18, subsection 2, paragraph a,
21 subparagraph (6), Code 2013, is amended by striking the
22 subparagraph.

23 Sec. 28. Section 514C.19, subsection 7, paragraph a,
24 subparagraph (6), Code 2013, is amended by striking the
25 subparagraph.

26 Sec. 29. Section 514C.20, subsection 3, paragraph f, Code
27 2013, is amended by striking the paragraph.

28 Sec. 30. Section 514C.21, subsection 2, paragraph d, Code
29 2013, is amended by striking the paragraph.

30 Sec. 31. Section 514C.22, subsection 1, unnumbered
31 paragraph 1, Code 2013, is amended to read as follows:

32 Notwithstanding the uniformity of treatment requirements of
33 section 514C.6, a group policy, contract, or plan providing
34 for third-party payment or prepayment of health, medical, and
35 surgical coverage benefits issued by a carrier, as defined in



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1 section 513B.2, ~~or by an organized delivery system authorized~~
2 ~~under 1993 Iowa Acts, ch. 158,~~ shall provide coverage benefits
3 for treatment of a biologically based mental illness if either
4 of the following is satisfied:

5 Sec. 32. Section 514C.25, subsection 2, paragraph a,
6 subparagraph (5), Code 2013, is amended by striking the
7 subparagraph.

8 Sec. 33. Section 514C.26, subsection 5, paragraph a,
9 subparagraph (6), Code 2013, is amended by striking the
10 subparagraph.

11 Sec. 34. Section 514C.27, subsection 1, unnumbered
12 paragraph 1, Code 2013, is amended to read as follows:

13 Notwithstanding the uniformity of treatment requirements
14 of section 514C.6, a group policy or contract providing for
15 third-party payment or prepayment of health or medical expenses
16 issued by a carrier, as defined in section 513B.2, ~~or by an~~
17 ~~organized delivery system authorized under 1993 Iowa Acts,~~
18 ~~chapter 158,~~ shall provide coverage benefits to an insured who
19 is a veteran for treatment of mental illness and substance
20 abuse if either of the following is satisfied:

21 Sec. 35. Section 514C.29, subsection 2, paragraph e, Code
22 2013, is amended by striking the paragraph.

23 Sec. 36. Section 514E.1, subsection 6, paragraph k, Code
24 2013, is amended by striking the paragraph.

25 Sec. 37. Section 514E.1, subsection 17, Code 2013, is
26 amended by striking the subsection.

27 Sec. 38. Section 514E.2, subsection 1, paragraph a, Code
28 2013, is amended to read as follows:

29 a. All carriers ~~and all organized delivery systems licensed~~
30 ~~by the director of public health~~ providing health insurance or
31 health care services in Iowa, whether on an individual or group
32 basis, and all other insurers designated by the association's
33 board of directors and approved by the commissioner shall be
34 members of the association.

35 Sec. 39. Section 514F.5, Code 2013, is amended to read as



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1 follows:

2 **514F.5 Experimental treatment review.**

3 1. A carrier, as defined in section 513B.2, ~~an organized~~
4 ~~delivery system authorized under 1993 Iowa Acts, ch. 158,~~ or a
5 plan established pursuant to chapter 509A for public employees,
6 that limits coverage for experimental medical treatment, drugs,
7 or devices, shall develop and implement a procedure to evaluate
8 experimental medical treatments and shall submit a description
9 of the procedure to the division of insurance. The procedure
10 shall be in writing and must describe the process used to
11 determine whether the carrier, ~~organized delivery system,~~
12 or chapter 509A plan will provide coverage for new medical
13 technologies and new uses of existing technologies. The
14 procedure, at a minimum, shall require a review of information
15 from appropriate government regulatory agencies and published
16 scientific literature concerning new medical technologies, new
17 uses of existing technologies, and the use of external experts
18 in making decisions. A carrier, ~~organized delivery system,~~
19 or chapter 509A plan shall include appropriately licensed
20 or qualified professionals in the evaluation process. The
21 procedure shall provide a process for a person covered under
22 a plan or contract to request a review of a denial of coverage
23 because the proposed treatment is experimental. A review of
24 a particular treatment need not be reviewed more than once a
25 year.

26 2. A carrier, ~~organized delivery system,~~ or chapter 509A
27 plan that limits coverage for experimental treatment, drugs, or
28 devices shall clearly disclose such limitations in a contract,
29 policy, or certificate of coverage.

30 Sec. 40. Section 514I.2, subsection 10, Code 2013, is
31 amended to read as follows:

32 10. "*Participating insurer*" means any entity licensed by the
33 division of insurance of the department of commerce to provide
34 health insurance in Iowa ~~or an organized delivery system~~
35 ~~licensed by the director of public health that has contracted~~

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1 with the department to provide health insurance coverage to
2 eligible children under this chapter.

3 Sec. 41. Section 514J.102, subsection 23, Code 2013, is
4 amended to read as follows:

5 23. *"Health carrier"* means an entity subject to the
6 insurance laws and regulations of this state, or subject
7 to the jurisdiction of the commissioner, including an
8 insurance company offering sickness and accident plans, a
9 health maintenance organization, a nonprofit health service
10 corporation, a plan established pursuant to chapter 509A
11 for public employees, or any other entity providing a plan
12 of health insurance, health care benefits, or health care
13 services. ~~*"Health carrier" includes, for purposes of this*~~
14 ~~*chapter, an organized delivery system.*~~

15 Sec. 42. Section 514J.102, subsection 28, Code 2013, is
16 amended by striking the subsection.

17 Sec. 43. Section 514L.1, subsection 3, Code 2013, is amended
18 to read as follows:

19 3. *"Provider of third-party payment or prepayment of*
20 *prescription drug expenses"* or *"provider"* means a provider of an
21 individual or group policy of accident or health insurance or
22 an individual or group hospital or health care service contract
23 issued pursuant to chapter 509, 514, or 514A, a provider of a
24 plan established pursuant to chapter 509A for public employees,
25 a provider of an individual or group health maintenance
26 organization contract issued and regulated under chapter 514B,
27 ~~*a provider of an organized delivery system contract regulated*~~
28 ~~*under rules adopted by the director of public health, a*~~
29 provider of a preferred provider contract issued pursuant to
30 chapter 514F, a provider of a self-insured multiple employer
31 welfare arrangement, and any other entity providing health
32 insurance or health benefits which provide for payment or
33 prepayment of prescription drug expenses coverage subject to
34 state insurance regulation.

35 Sec. 44. Section 514L.2, subsection 1, paragraph a,

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1 unnumbered paragraph 1, Code 2013, is amended to read as
2 follows:

3 A provider of third-party payment or prepayment of
4 prescription drug expenses, including the provider's agents or
5 contractors and pharmacy benefits managers, that issues a card
6 or other technology for claims processing and an administrator
7 of the payor, excluding administrators of self-funded employer
8 sponsored health benefit plans qualified under the federal
9 Employee Retirement Income Security Act of 1974, shall issue
10 to its insureds a card or other technology containing uniform
11 prescription drug information. The commissioner of insurance
12 shall adopt rules for the uniform prescription drug information
13 card or technology applicable to those entities subject to
14 regulation by the commissioner of insurance. ~~The director of~~
15 ~~public health shall adopt rules for the uniform prescription~~
16 ~~drug information card or technology applicable to organized~~
17 ~~delivery systems.~~ The rules shall require at least both of the
18 following regarding the card or technology:

19 Sec. 45. Section 521F.2, subsection 7, Code 2013, is amended
20 to read as follows:

21 7. "*Health organization*" means a health maintenance
22 organization, limited service organization, dental or vision
23 plan, hospital, medical and dental indemnity or service
24 corporation or other managed care organization licensed under
25 chapter 514, or 514B, ~~or 1993 Iowa Acts, ch. 158,~~ or any other
26 entity engaged in the business of insurance, risk transfer,
27 or risk retention, that is subject to the jurisdiction of the
28 commissioner of insurance ~~or the director of public health.~~
29 "*Health organization*" does not include an insurance company
30 licensed to transact the business of insurance under chapter
31 508, 515, or 520, and which is otherwise subject to chapter
32 521E.

33 Sec. 46. 1993 Iowa Acts, chapter 158, section 4, is amended
34 to read as follows:

35 SEC. 4. EMERGENCY RULES. Pursuant to sections 17 and 27 ~~and~~

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1 3 of this Act, the commissioner of insurance ~~or the director of~~
2 ~~public health~~ shall adopt administrative rules under section
3 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph
4 "b", to implement the provisions of this Act and the rules
5 shall become effective immediately upon filing, unless a later
6 effective date is specified in the rules. Any rules adopted in
7 accordance with the provisions of this section shall also be
8 published as notice of intended action as provided in section
9 17A.4.

10 Sec. 47. REPEAL. Section 135.120, Code 2013, is repealed.

11 Sec. 48. REPEAL. 1993 Iowa Acts, chapter 158, section 3,
12 is repealed.

13 Sec. 49. CODE EDITOR DIRECTIVE — ORGANIZED DELIVERY
14 SYSTEMS.

15 1. Sections 505.32, 509A.6, 513B.5, 513B.6, 513B.7,
16 513B.9A, 513B.10, 513C.3, 513C.6, 513C.7, 513C.9, 513C.10,
17 514B.25A, 514C.13, 514C.15, 514C.22, 514C.27, 514E.2, 514E.7,
18 514E.9, 514E.11, 514K.1, Code 2013, are amended as follows:

19 a. By striking from the sections "organized delivery
20 system".

21 b. By striking from the sections "organized delivery
22 systems".

23 c. By striking from the sections "organized delivery
24 system's".

25 d. By striking from the sections "system".

26 2. Sections 513B.5, 513B.7, 513B.10, 513C.5, 513C.6,
27 513C.10, 514E.9, and 514K.1, Code 2013, are amended as follows:

28 a. By striking from the sections "director of public
29 health".

30 b. By striking from the sections "director".

31 DIVISION II

32 TRAUMA SYSTEM QUALITY IMPROVEMENT

33 Sec. 50. Section 147A.25, subsection 1, paragraph h, Code
34 2013, is amended to read as follows:

35 h. ~~Iowa foundation of medical care director~~ A representative

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1 of the state's Medicare quality improvement organization.

2 DIVISION III

3 REIMBURSEMENT FOR CERTAIN AUTOPSIES

4 Sec. 51. Section 331.802, subsection 2, paragraph c, Code
5 2013, is amended to read as follows:

6 c. The fee and expenses of the county medical examiner who
7 performs an autopsy or conducts an investigation of a person
8 who dies after being brought into this state for emergency
9 medical treatment by or at the direction of an out-of-state
10 law enforcement officer or public authority shall be paid by
11 the state. A claim for payment shall be filed with ~~the Iowa~~
12 ~~department of public health. If moneys are not appropriated~~
13 ~~to the Iowa department of public health for the payment of~~
14 ~~autopsies under this paragraph, claims for payment shall be~~
15 ~~forwarded to the state appeal board and, if authorized by the~~
16 ~~board, shall be paid out of moneys in the general fund of the~~
17 ~~state not otherwise appropriated.~~

18 Sec. 52. Section 331.802, subsection 4, Code 2013, is
19 amended to read as follows:

20 4. The county medical examiner shall conduct the
21 investigation in the manner required by the state medical
22 examiner and shall determine whether the public interest
23 requires an autopsy or other special investigation. However,
24 if the death occurred in the manner specified in subsection
25 3, paragraph "j", the county medical examiner shall order
26 an autopsy, claims for the expense payment of which shall
27 be reimbursed by the Iowa department of public health filed
28 with the state appeal board and, if authorized by the board,
29 shall be paid out of moneys in the general fund of the state
30 not otherwise appropriated. In determining the need for an
31 autopsy, the county medical examiner may consider the request
32 for an autopsy from a public official or private person, but
33 the state medical examiner or the county attorney of the county
34 where the death occurred may require an autopsy.

35 DIVISION IV

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1 HIV HOME TEST KITS
2 Sec. 53. REPEAL. Section 126.25, Code 2013, is repealed.
3 DIVISION V
4 TOBACCO CESSATION SERVICES — MINORS
5 Sec. 54. NEW SECTION. 142A.11 Application for services —
6 minors.
7 A minor shall have the legal capacity to act and give
8 consent to the provision of tobacco cessation services by
9 a hospital, clinic, health care provider, or other tobacco
10 cessation services provider. Consent shall not be subject to
11 later disaffirmance by reason of such minority. The consent of
12 another person, including but not limited to the consent of a
13 spouse, parent, custodian, or guardian, shall not be necessary.
14 EXPLANATION
15 This bill includes provisions that relate to programs and
16 services under the purview of the department of public health
17 (DPH). The bill is organized in divisions.
18 Division I relates to organized delivery systems that are
19 regulated by DPH. Organized delivery systems were created
20 pursuant to 1993 Iowa Acts, chapter 158. Rules adopted
21 under the provision define an organized delivery system as
22 "an organization with defined governance that is responsible
23 for delivering or arranging to deliver the full range of
24 health care services covered under a standard benefit plan
25 and is accountable to the public for the cost, quality and
26 access of its services and for the effect of its services
27 on their health." (641 IAC 201.2) An organization operating
28 as an organized delivery system is required to assume risk
29 and be subject to solvency standards. The bill eliminates
30 all references to organized delivery systems in the Code and
31 repeals the provision in the Acts authorizing the establishment
32 of organized delivery systems. The most recent application for
33 licensure was received by DPH in 1998. Since being authorized
34 in 1993, only two entities applied for licensure as organized
35 delivery systems and both of these entities have since ceased

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1 operations.

2 Division II relates to the membership of the system
3 evaluation and quality improvement committee for the trauma
4 system in the state. The bill changes the membership by
5 replacing the specific name of the one membership entity
6 with a general reference to the Medicare quality improvement
7 organization in the state.

8 Division III relates to county reimbursement for
9 investigations and autopsies that are for persons who die after
10 being brought into the state for emergency medical treatment
11 by or at the direction of an out-of-state law enforcement
12 officer or public authority; or for autopsies relating to the
13 death of a child under the age of two years if death results
14 from an unknown cause or if the circumstances surrounding the
15 death indicate that sudden infant death syndrome may be the
16 cause of death. Current law directs that claims for these
17 investigations and autopsies are to be filed by counties
18 initially with DPH, and, if moneys are not appropriated to
19 DPH for this purpose, the claims are to then be forwarded to
20 the state appeal board. Under the bill, claims would not be
21 initially filed with DPH, but would instead be filed directly
22 with the state appeal board for authorization of payment
23 from the general fund of the state from funds not otherwise
24 appropriated.

25 Division IV relates to human immunodeficiency virus
26 (HIV) home test kits. Current law prohibits a person from
27 advertising for sale, offering for sale, or selling an HIV
28 home testing kit for antibody or antigen testing, and provides
29 civil and criminal penalties as well as injunctive relief for
30 violation of the prohibition. The United States food and drug
31 administration approved the use of such kits in July 2012, and
32 the bill repeals the Code provision prohibiting the HIV home
33 test kits in the state.

34 Division V of the bill provides that a minor shall have
35 the legal capacity to act and give consent to the provision



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1 of tobacco cessation services by a hospital, clinic, health
2 care provider, or other tobacco cessation services provider.
3 Consent is not subject to later disaffirmance by reason of such
4 minority, and the consent of another person is not necessary.



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Senate Study Bill 1017 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH/BOARD OF
PHARMACY BILL)

A BILL FOR

1 An Act relating to controlled substances by making changes to
2 the list of substances classified as controlled substances,
3 allowing the exchange of information among prescription
4 databases and monitoring programs, and making penalties
5 applicable.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 124.208, subsection 6, Code 2013, is
2 amended by adding the following new paragraphs:
3 NEW PARAGRAPH. *bk.* Methasterone
4 (2[alpha],17[alpha]-dimethyl-5[alpha]-androstan-17[beta]-ol-3-one).
5 NEW PARAGRAPH. *bl.* Prostanazol
6 (17[beta]-hydroxy-5[alpha]-androstan[3,2-c]pyrazole).

7 Sec. 2. Section 124.553, subsection 1, Code 2013, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. *d.* A prescription database or monitoring
10 program in another jurisdiction pursuant to subsection 8.

11 Sec. 3. Section 124.553, Code 2013, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 8. The board may enter into agreements for
14 the mutual exchange of information among prescription database
15 or monitoring programs in other jurisdictions. Any agreement
16 entered into pursuant to this subsection shall specify that all
17 the information exchanged shall be used and disseminated in
18 accordance with the laws of this state.

19 EXPLANATION

20 This bill adds substances to the list of substances
21 classified as controlled substances and relates to the exchange
22 of information among prescription databases and monitoring
23 programs.

24 The bill classifies the anabolic steroids methasterone
25 and prostanazol as schedule III controlled substances. The
26 criteria used to classify a substance as a schedule III
27 controlled substance is established in Code section 124.207.

28 It is a class "C" felony pursuant to Code section
29 124.401(1)(c)(8) for any unauthorized person to violate a
30 provision of Code section 124.401 involving a controlled
31 substance placed on schedule I, II, or III pursuant to the
32 bill. A class "C" felony for this particular offense is
33 punishable by confinement for no more than 10 years and a fine
34 of at least \$1,000 but not more than \$50,000.

35 If a person possesses a controlled substance in violation of

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1 Code section 124.401(5) as a first offense, the person commits
2 a serious misdemeanor. A serious misdemeanor is punishable
3 by confinement for no more than one year and a fine of at
4 least \$315 but not more than \$1,875. A second offense is an
5 aggravated misdemeanor punishable by confinement for no more
6 than two years and a fine of at least \$625 but not more than
7 \$6,250. A subsequent offense is a class "D" felony punishable
8 by confinement for no more than five years and a fine of at
9 least \$750 but not more than \$7,500.

10 The bill also authorizes the board of pharmacy to enter
11 into agreements with other jurisdictions in order to exchange
12 information from the Iowa prescription monitoring program with
13 similar programs in other jurisdictions.

14 The bill requires that any agreement entered into shall
15 specify that all the information exchanged shall be used and
16 disseminated in accordance with the laws of this state.

17 The Iowa prescription monitoring program is used by
18 prescribing practitioners and pharmacists on a need-to-know
19 basis for facilitating early identification of patients who
20 may be at risk for addiction, or who may be using, abusing,
21 or diverting drugs for unlawful or otherwise unauthorized
22 purposes.



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Senate Study Bill 1018 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED SECRETARY OF
STATE BILL)

A BILL FOR

1 An Act relating to the policy administration of election
2 and voter registration laws by the secretary of state,
3 including the voter registration age, absentee voting, the
4 provision of training space for election personnel, the
5 candidate nomination filing requirements for merged area,
6 school district, and city elections and related filing
7 requirements, the filling of vacancies in city office, and
8 authorizing certain cities to conduct city elections by
9 absentee ballot, and including effective date provisions.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 44.4, subsection 1, Code 2013, is amended
2 to read as follows:

3 1. Nominations made pursuant to this chapter and chapter
4 45 which are required to be filed in the office of the state
5 commissioner shall be filed in that office not more than
6 ninety-nine days nor later than 5:00 p.m. on the eighty-first
7 day before the date of the general election to be held in
8 November. Nominations made for a special election called
9 pursuant to section 69.14 shall be filed by 5:00 p.m. not less
10 than twenty-five days before the date of an election called
11 upon at least forty days' notice and not less than fourteen
12 days before the date of an election called upon at least
13 eighteen days' notice. Nominations made for a special election
14 called pursuant to section 69.14A shall be filed by 5:00 p.m.
15 not less than twenty-five days before the date of the election.
16 Nominations made pursuant to this chapter and chapter 45 which
17 are required to be filed in the office of the commissioner
18 shall be filed in that office not more than ninety-two days
19 nor later than 5:00 p.m. on the sixty-ninth day before the
20 date of the general election. Nominations made pursuant to
21 this chapter or chapter 45 for city office shall be filed not
22 more than seventy-two days nor later than 5:00 p.m. on the
23 forty-seventh day before the city election with the ~~city clerk~~
24 county commissioner of elections responsible under section 47.2
25 for conducting elections held for the city, who shall process
26 them as provided by law.

27 Sec. 2. Section 44.4, subsection 2, paragraph a,
28 subparagraphs (2) and (3), Code 2013, are amended to read as
29 follows:

30 (2) Those filed with the commissioner, not less than
31 sixty-four days before the date of the election, except as
32 provided in subparagraph (3).

33 (3) Those filed with the ~~city clerk~~ commissioner for an
34 elective city office, at least forty-two days before the
35 regularly scheduled or special city election. However, for

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1 those cities that may be required to hold a primary election,
2 at least sixty-three days before the regularly scheduled or
3 special city election.

4 Sec. 3. Section 44.7, Code 2013, is amended to read as
5 follows:

6 **44.7 Hearing before commissioner.**

7 ~~Objections~~ Except as otherwise provided in section 44.8,
8 objections filed with the commissioner shall be considered by
9 the county auditor, county treasurer, and county attorney,
10 and a majority decision shall be final; ~~but.~~ However, if the
11 objection is to the certificate of nomination of one or more
12 of the above named county officers, the officer or officers
13 objected to shall not pass upon the objection, but their places
14 shall be filled, respectively, by the chairperson of the board
15 of supervisors, the sheriff, and the county recorder.

16 Sec. 4. Section 44.8, Code 2013, is amended to read as
17 follows:

18 **44.8 Hearing before mayor.**

19 1. Objections filed with the city clerk pursuant to
20 section 362.4 or with the commissioner for an elective city
21 office shall be considered by the mayor and clerk and one
22 member of the council chosen by the council by ballot, and
23 a majority decision shall be final; ~~but.~~ However, if the
24 objection is to the certificate of nomination of either of
25 those city officials, that official shall not pass upon ~~said~~
26 the objection, but the official's place shall be filled by a
27 member of the council against whom no such objection exists,
28 chosen as above provided.

29 2. The hearing shall be held within twenty-four hours of the
30 receipt of the objection if a primary election must be held for
31 the office sought by the candidate against whom the objection
32 has been filed.

33 Sec. 5. Section 44.9, subsections 2, 3, 5, and 6, Code 2013,
34 are amended to read as follows:

35 2. In the office of the proper commissioner, at least

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1 sixty-four days before the date of the election, except as
2 otherwise provided in subsections 3, 5, and 6.

3 3. In the office of the proper ~~school board secretary~~
4 commissioner, at least thirty-five days before the day of a
5 regularly scheduled school election.

6 5. In the office of the proper commissioner ~~or school board~~
7 ~~secretary~~ in case of a special election to fill vacancies in an
8 elective school board office, at least twenty-five days before
9 the day of election.

10 6. In the office of the proper ~~city clerk~~ commissioner, at
11 least forty-two days before the regularly scheduled or special
12 city election. However, for those cities that may be required
13 to hold a primary election, at least sixty-three days before a
14 regularly scheduled or special city election.

15 Sec. 6. Section 44.11, Code 2013, is amended to read as
16 follows:

17 **44.11 Vacancies filled.**

18 If a candidate named under this chapter withdraws before the
19 deadline established in section 44.9, declines a nomination,
20 or dies before election day, or if a certificate of nomination
21 is held insufficient or inoperative by the officer with whom
22 it is required to be filed, or in case any objection made
23 to a certificate of nomination, or to the eligibility of any
24 candidate named in the certificate, is sustained by the board
25 appointed to determine such questions, the vacancy or vacancies
26 may be filled by the convention, or caucus, or in such manner
27 as such convention or caucus has previously provided. The
28 vacancy or vacancies shall be filled not less than seventy-four
29 days before the election in the case of nominations required to
30 be filed with the state commissioner, not less than sixty-four
31 days before the election in the case of nominations required
32 to be filed with the commissioner, not less than thirty-five
33 days before the election in the case of nominations required
34 to be filed in with the ~~office of the school board secretary~~
35 commissioner for school board elections, and not less than

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1 forty-two days before the election in the case of nominations
2 required to be filed with the ~~city clerk~~ commissioner for city
3 elections.

4 Sec. 7. Section 48A.5, subsection 2, paragraph c, Code 2013,
5 is amended to read as follows:

6 c. Be at least eighteen years of age. Completed
7 registration forms shall be accepted from registrants who
8 are at least seventeen ~~and one-half~~ years of age; ~~however~~.
9 However, the registration shall not be effective until the
10 registrant reaches the age of eighteen. The commissioner of
11 registration shall ensure that the birth date shown on the
12 registration form is at least seventeen ~~and one-half~~ years
13 earlier than the date the registration is processed. A
14 registrant who is at least seventeen ~~and one-half~~ years of age
15 and who will be eighteen by the date of a pending election is
16 a registered voter for the pending election for purposes of
17 chapter 53.

18 Sec. 8. Section 48A.14, subsection 1, paragraph b, Code
19 2013, is amended to read as follows:

20 b. The challenged registrant is less than seventeen ~~and~~
21 ~~one-half~~ years of age.

22 Sec. 9. Section 48A.23, subsection 1, Code 2013, is amended
23 to read as follows:

24 1. At least twice during each school year, the board of
25 directors of each school district operating a high school and
26 the authorities in charge of each accredited nonpublic school
27 shall offer the opportunity to register to vote to each student
28 who is at least seventeen ~~and one-half~~ years of age.

29 Sec. 10. Section 48A.26, subsection 9, Code 2013, is amended
30 to read as follows:

31 9. When a person who is at least seventeen ~~and one-half~~
32 years of age but less than eighteen years of age registers
33 to vote, the commissioner shall maintain a record of the
34 registration so as to clearly indicate that it will not take
35 effect until the registrant's eighteenth birthday and that the

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1 person is registered and qualifies to vote at any election held
2 on or after that date.

3 Sec. 11. Section 48A.31, Code 2013, is amended to read as
4 follows:

5 **48A.31 Deceased persons record.**

6 The state registrar of vital statistics shall transmit
7 or cause to be transmitted to the state registrar of voters,
8 once each calendar quarter, a certified list of all persons
9 seventeen ~~and one-half~~ years of age and older in the state
10 whose deaths have been reported to the bureau of vital records
11 of the Iowa department of public health since the previous list
12 of decedents was certified to the state registrar of voters.
13 The list shall be submitted according to the specifications
14 of the state registrar of voters. The commissioner shall, in
15 the month following the end of a calendar quarter, run the
16 statewide voter registration system's matching program to
17 determine whether a listed decedent was registered to vote in
18 the county and shall immediately cancel the registration of any
19 person named on the list of decedents.

20 Sec. 12. Section 49.11, subsection 3, paragraph b,
21 subparagraph (3), Code 2013, is amended to read as follows:

22 (3) A voting center designated under this subsection is
23 subject to the requirements of section 49.21 relating to
24 accessibility to persons ~~who are elderly and persons~~ with
25 disabilities and relating to the posting of signs. The
26 location of each voting center shall be published by the county
27 commissioner of elections in the same manner as the location of
28 polling places is required to be published.

29 Sec. 13. NEW SECTION. **49.123A Training sites —**
30 **availability — accessibility.**

31 For a period of thirty days prior to each scheduled election,
32 and upon the application of the commissioner, the authority
33 which has control of any buildings or grounds supported by
34 taxation under the laws of this state shall make available
35 the necessary space therein for the purpose of conducting



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1 training courses relating to the election and offered by the
2 commissioner for precinct election officials and other election
3 personnel, without charge for the use of such buildings
4 or grounds. Training courses scheduled and conducted at
5 buildings or grounds selected by the commissioner pursuant to
6 this section shall not interfere with previously scheduled
7 events at such buildings or grounds. The commissioner shall
8 only schedule and conduct training courses at buildings or
9 grounds that are accessible to and functional for persons with
10 disabilities.

11 Sec. 14. Section 53.8, subsection 1, Code 2013, is amended
12 to read as follows:

13 1. Upon receipt of an application for an absentee ballot
14 meeting the requirements of section 53.2 and immediately after
15 the absentee ballots are printed but in no case sooner than
16 the fiftieth day before any election for an absentee ballot
17 to be mailed to a person described in section 53.37, the
18 commissioner shall mail an absentee ballot to the applicant
19 within twenty-four hours, except as otherwise provided in
20 subsection 3. The absentee ballot shall be enclosed in an
21 unsealed envelope bearing a serial number and affidavit. The
22 absentee ballot and unsealed envelope shall be enclosed in or
23 with a return envelope marked postage paid which bears the same
24 serial number as the unsealed envelope. The absentee ballot,
25 unsealed envelope, and return envelope shall be enclosed in
26 a third envelope to be sent to the registered voter. If the
27 ballot cannot be folded so that all of the votes cast on the
28 ballot will be hidden, the commissioner shall also enclose a
29 secrecy envelope with the absentee ballot.

30 Sec. 15. Section 53.10, subsection 1, Code 2013, is amended
31 to read as follows:

32 1. Not more than forty days before the date of the primary
33 election or the general election, the commissioner shall
34 provide facilities for absentee voting in person at the
35 commissioner's office. This service shall also be provided for

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1 other elections as soon as the ballots are ready, but in no
2 case shall absentee ballots be available for absentee voting in
3 person more than forty days before an election.
4 Sec. 16. Section 53.11, subsection 1, paragraph a, Code
5 2013, is amended to read as follows:
6 a. Satellite absentee voting stations may be established
7 no sooner than the fortieth day before an election throughout
8 the cities and county at the direction of the commissioner
9 and shall be established upon the commissioner's receipt
10 of a petition signed by not less than one hundred eligible
11 electors ~~requesting that a satellite absentee voting station~~
12 ~~be established at a location to be described on the petition~~
13 of the jurisdiction where the requested satellite absentee
14 voting station is located. However, if a special election
15 is scheduled in the county on a date that falls between
16 the date of the regular city election and the date of the
17 city runoff election, the commissioner is not required to
18 establish a satellite absentee voting station for the city
19 runoff election. The petition shall be on a form prescribed
20 by the state commissioner. The petition form shall include
21 a space to identify the location of the requested satellite
22 absentee voting station, the name, address, and telephone
23 contact information for the person circulating the petition,
24 and the name or number of the precinct in which the station is
25 requested to be located. The petition shall also include space
26 for the petitioner's signature, residential address, including
27 house number and street, date on which the petition is signed
28 by the petitioner, and a statement that the petitioners are
29 residents of the jurisdiction conducting the election for
30 which the satellite absentee voting station is requested.
31 The commissioner shall reject signatures on petitions if
32 any information required pursuant to this paragraph is not
33 included on the petition. Each petitioner is limited to
34 signing one satellite absentee voting station petition for
35 each election. Duplicate signatures on the same or subsequent

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1 satellite absentee voting petitions for a particular election
2 shall not be counted. The commissioner shall post notice of
3 petitions received, including the location of the requested
4 satellite absentee voting station and the name or number of the
5 precinct in which the station is requested to be located, on
6 the county's internet site, if any, and at the commissioner's
7 office.

8 Sec. 17. Section 53.11, subsection 1, Code 2013, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. c. Objections to a petition requesting
11 establishment of a satellite absentee voting station may be
12 filed with the commissioner no later than the second day
13 following the petition filing deadline set forth in subsection
14 2. When objections are filed, notice shall immediately be
15 given to the person identified on the petition as the person
16 circulating the petition. The notice shall be sent to the
17 address provided on the petition by such person, and the
18 notice shall include the time and place of the hearing at
19 which the objections will be considered. The hearing shall
20 be held not later than one week after the objection is filed.
21 The objection process in section 44.7 shall be followed for
22 objections filed pursuant to this section.

23 Sec. 18. Section 260C.15, subsection 3, Code 2013, is
24 amended to read as follows:

25 3. Nomination papers on behalf of candidates for member of
26 the board of directors of a merged area shall be filed with
27 the ~~secretary of the board~~ county commissioner of elections
28 responsible under section 47.2 for conducting elections held
29 for the merged area not earlier than sixty-four days nor later
30 than 5:00 p.m. on the fortieth day prior to the election at
31 which members of the board are to be elected. ~~On the day~~
32 ~~following~~ No later than the last day on which nomination
33 petitions can be filed, and no later than 5:00 p.m. on that
34 day, the ~~secretary of the board~~ shall deliver all nomination
35 ~~petitions so filed, together with the text of any public~~

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1 measure being submitted by the board of directors to the
2 electorate, to the county commissioner of elections ~~who is~~
3 responsible under section 47.2 for conducting elections held
4 for the merged area. That commissioner shall certify the names
5 of candidates, and the text and summary of any public measure
6 being submitted to the electorate, to all county commissioners
7 of elections in the merged area by the thirty-fifth day prior
8 to the election.

9 Sec. 19. Section 260C.15, subsection 4, paragraph b, Code
10 2013, is amended to read as follows:

11 b. The objection must be filed with the ~~secretary of the~~
12 ~~board~~ county commissioner of elections responsible under
13 section 47.2 for conducting elections held for the merged area
14 at least thirty-five days before the day of the election at
15 which members of the board are elected. When objections are
16 filed, notice shall immediately be given to the candidate
17 affected, addressed to the candidate's place of residence as
18 given on the candidate's affidavit, stating that objections
19 have been made to the legal sufficiency of the petition or to
20 the eligibility of the candidate, and also stating the time and
21 place the objections will be considered. The ~~board secretary~~
22 county commissioner shall also attempt to notify the candidate
23 by telephone if the candidate provided a telephone number on
24 the candidate's affidavit.

25 Sec. 20. Section 260C.15, Code 2013, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 4A. A candidate nominated under this
28 section may withdraw the candidate's nomination by a written
29 request filed with the county commissioner of elections
30 responsible under section 47.2 for conducting elections held
31 for the merged area at least thirty-five days before the day of
32 the election at which members of the board are elected.

33 Sec. 21. Section 275.25, subsection 1, paragraph b, Code
34 2013, is amended to read as follows:

35 b. The election shall be conducted as provided in section

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1 277.3, and nomination petitions shall be filed pursuant to
2 section 277.4, except as otherwise provided in this subsection.
3 Nomination petitions shall be filed with the ~~secretary of the~~
4 ~~board of~~ county commissioner of elections responsible under
5 section 47.2 for conducting elections held for the existing
6 school district in which the candidate resides not less than
7 twenty-eight days before the date set for the special school
8 election. The ~~secretary of the board commissioner~~, or the
9 ~~secretary's~~ commissioner's designee, shall be present in the
10 ~~secretary's~~ commissioner's office until 5:00 p.m. on the final
11 day to file the nomination papers. The nomination papers shall
12 be delivered to the commissioner no later than 5:00 p.m. on the
13 twenty-seventh day before the election.

14 Sec. 22. Section 277.4, subsections 1, 3, and 4, Code 2013,
15 are amended to read as follows:

16 1. Nomination papers for all candidates for election
17 to office in each school district shall be filed with the
18 ~~secretary of the school board~~ county commissioner of elections
19 responsible under section 47.2 for conducting elections held
20 for the school district not more than sixty-four days, nor less
21 than forty days before the election. Nomination petitions
22 shall be filed not later than 5:00 p.m. on the last day for
23 filing. ~~If the school board secretary is not readily available~~
24 ~~during normal office hours, the secretary may designate a~~
25 ~~full-time employee of the school district who is ordinarily~~
26 ~~available to accept nomination papers under this section.~~ On
27 the final date for filing nomination papers the office of the
28 ~~school secretary~~ county commissioner shall remain open until
29 5:00 p.m.

30 3. The ~~secretary of the school board~~ county commissioner
31 shall accept the petition for filing if on its face it appears
32 to have the requisite number of signatures and if it is timely
33 filed. The ~~secretary of the school board~~ county commissioner
34 shall note upon each petition and affidavit accepted for filing
35 the date and time that the petition was filed. The secretary

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1 of the school board shall deliver ~~all nomination petitions,~~
2 ~~together with~~ the complete text of any public measure being
3 submitted by the board to the electorate, to the county
4 commissioner of elections ~~on the day following~~ no later than
5 the last day on which nomination petitions can be filed, and
6 not later than 5:00 p.m. on that day.

7 4. Any person on whose behalf nomination petitions have been
8 filed under this section may withdraw as a candidate by filing
9 a signed statement to that effect with the ~~secretary~~ county
10 commissioner of elections responsible under section 47.2 for
11 conducting elections held for the school district at any time
12 prior to 5:00 p.m. on the thirty-fifth day before the election.

13 Sec. 23. Section 277.5, Code 2013, is amended to read as
14 follows:

15 **277.5 Objections to nominations.**

16 1. Objections to the legal sufficiency of a nomination
17 petition or to the eligibility of a candidate may be filed by
18 any person who would have the right to vote for a candidate for
19 the office in question. The objection must be filed with the
20 ~~secretary of the school board~~ county commissioner of elections
21 responsible under section 47.2 for conducting elections held
22 for the school district at least thirty-five days before
23 the day of the school election. When objections are filed
24 notice shall forthwith be given to the candidate affected,
25 addressed to the candidate's place of residence as given on the
26 candidate's affidavit, stating that objections have been made
27 to the legal sufficiency of the petition or to the eligibility
28 of the candidate, and also stating the time and place the
29 objections will be considered.

30 2. Objections shall be considered not later than two working
31 days following the receipt of the objections by the president
32 of the school board, the secretary of the school board, and
33 one additional member of the school board chosen by ballot.
34 If objections have been filed to the nominations of either of
35 those school officials, that official shall not pass on the

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1 objection. The official's place shall be filled by a member
2 of the school board against whom no objection exists. The
3 replacement shall be chosen by ballot.

4 Sec. 24. Section 277.7, Code 2013, is amended to read as
5 follows:

6 **277.7 Petitions for public measures.**

7 1. A petition filed with the school board to request an
8 election on a public measure shall be examined before it is
9 accepted for filing. If the petition appears valid on its face
10 it shall be accepted for filing. If it lacks the required
11 number of signatures it shall be returned to the petitioners.

12 2. Petitions which have been accepted for filing are valid
13 unless written objections are filed. Objections must be filed
14 with the secretary of the school board within five working days
15 after the petition was filed. The objection process in section
16 277.5, subsection 2, shall be followed for objections filed
17 pursuant to this section.

18 Sec. 25. Section 280.9A, subsection 3, Code 2013, is amended
19 to read as follows:

20 3. At least twice during each school year, the board of
21 directors of each local public school district operating a
22 high school and the authorities in charge of each accredited
23 nonpublic school operating a high school shall offer the
24 opportunity to register to vote to each student who is at least
25 seventeen ~~and one-half~~ years of age, as required by section
26 48A.23.

27 Sec. 26. Section 372.13, subsection 2, paragraph a, Code
28 2013, is amended to read as follows:

29 a. (1) By appointment by the remaining members of the
30 council, except that if the remaining members do not constitute
31 a quorum of the full membership, paragraph "b" shall be
32 followed. The appointment shall be for the period until the
33 next pending election as defined in section 69.12, and shall
34 be made within forty days after the vacancy occurs. If the
35 council fails to make an appointment within forty days as

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1 required by this subsection, the city clerk shall give notice
2 of the vacancy to the county commissioner and the county
3 commissioner shall call a special election to fill the vacancy
4 at the earliest practicable date but no fewer than thirty-two
5 days after the notice is received by the county commissioner.
6 (2) If the council chooses to proceed under this paragraph,
7 it shall publish notice in the manner prescribed by section
8 362.3, stating that the council intends to fill the vacancy
9 by appointment but that the electors of the city or ward, as
10 the case may be, have the right to file a petition requiring
11 that the vacancy be filled by a special election. The council
12 may publish notice in advance if an elected official submits
13 a resignation to take effect at a future date. The council
14 may make an appointment to fill the vacancy after the notice
15 is published or after the vacancy occurs, whichever is later.
16 However, if within fourteen days after publication of the
17 notice or within fourteen days after the appointment is made,
18 there is filed with the city clerk a petition which requests a
19 special election to fill the vacancy, an appointment to fill
20 the vacancy is temporary and the council shall call a special
21 election to fill the vacancy permanently, under paragraph "b".
22 The number of signatures of eligible electors of a city for a
23 valid petition shall be determined as follows:
24 ~~(1)~~ (a) For a city with a population of ten thousand or
25 less, at least two hundred signatures or at least the number of
26 signatures equal to fifteen percent of the voters who voted for
27 candidates for the office at the preceding regular election at
28 which the office was on the ballot, whichever number is fewer.
29 ~~(2)~~ (b) For a city with a population of more than ten
30 thousand but not more than fifty thousand, at least one
31 thousand signatures or at least the number of signatures equal
32 to fifteen percent of the voters who voted for candidates for
33 the office at the preceding regular election at which the
34 office was on the ballot, whichever number is fewer.
35 ~~(3)~~ (c) For a city with a population of more than fifty

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1 thousand, at least two thousand signatures or at least the
2 number of signatures equal to ten percent of the voters who
3 voted for candidates for the office at the preceding regular
4 election at which the office was on the ballot, whichever
5 number is fewer.

6 ~~(4)~~ (d) The minimum number of signatures for a valid
7 petition pursuant to ~~subparagraphs (1)~~ subparagraph divisions
8 (a) through ~~(3)~~ (c) shall not be fewer than ten. In
9 determining the minimum number of signatures required, if at
10 the last preceding election more than one position was to be
11 filled for the office in which the vacancy exists, the number
12 of voters who voted for candidates for the office shall be
13 determined by dividing the total number of votes cast for the
14 office by the number of seats to be filled.

15 Sec. 27. Section 376.1, Code 2013, is amended to read as
16 follows:

17 **376.1 City election held — absentee ballot elections**
18 **authorized.**

19 1. A city shall hold a regular city election on the first
20 Tuesday after the first Monday in November of each odd-numbered
21 year. A city shall hold regular, special, primary, or runoff
22 city elections as provided by state law.

23 2. The mayor or council shall give notice of any special
24 election to the county commissioner of elections. The county
25 commissioner of elections shall publish notice of any city
26 election and conduct the election pursuant to the provisions of
27 chapters 39 to 53, except as otherwise specifically provided
28 in chapters 362 to 392. The results of any election shall be
29 canvassed by the county board of supervisors and certified
30 by the county commissioner of elections to the mayor and the
31 council of the city for which the election is held.

32 3. a. The council of a city with a population of two
33 hundred or less according to the most recent federal decennial
34 census may adopt an ordinance providing that elections be
35 conducted by absentee ballot. If the city council adopts

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1 such an ordinance, the clerk shall notify the commissioner
2 of elections of the adoption of the ordinance, and the
3 commissioner shall mail an absentee ballot application form
4 by forwardable mail to each registered voter within the city
5 who is on active status pursuant to section 48A.37 no fewer
6 than twenty-five days before each regular city election or
7 special election for the city. The commissioner shall also
8 enclose a postage paid return envelope and a notice in the form
9 prescribed by the state commissioner informing the voter that
10 voting in person on election day will also be available at the
11 commissioner's office during the time the polls are open. The
12 commissioner may designate one additional site as an election
13 day polling place for a city that adopts an ordinance pursuant
14 to this subsection. The location of the additional polling
15 place shall be included in the notice to the voter.

16 b. The additional polling place designated under this
17 subsection is subject to the requirements of section 49.21
18 relating to accessibility to persons with disabilities
19 and relating to the posting of signs. The location of the
20 additional polling place shall be published by the county
21 commissioner of elections as required by section 49.53.

22 c. The provisions of chapter 53, insofar as applicable,
23 shall apply to absentee ballot elections authorized under this
24 subsection.

25 Sec. 28. Section 376.4, subsection 1, paragraph a, Code
26 2013, is amended to read as follows:

27 a. An eligible elector of a city may become a candidate
28 for an elective city office by filing with the ~~city clerk~~
29 county commissioner of elections responsible under section 47.2
30 for conducting elections held for the city a valid petition
31 requesting that the elector's name be placed on the ballot
32 for that office. The petition must be filed not more than
33 seventy-one days and not less than forty-seven days before the
34 date of the election, and must be signed by eligible electors
35 equal in number to at least two percent of those who voted to

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1 fill the same office at the last regular city election, but not
2 less than ten persons. However, for those cities which may be
3 required to hold a primary election, the petition must be filed
4 not more than eighty-five days and not less than sixty-eight
5 days before the date of the regular city election. Nomination
6 petitions shall be filed not later than 5:00 p.m. on the last
7 day for filing.

8 Sec. 29. Section 376.4, subsections 3, 4, and 5, Code 2013,
9 are amended to read as follows:

10 3. ~~If the city clerk is not readily available during normal~~
11 ~~office hours, the city clerk shall designate other employees or~~
12 ~~officials of the city who are ordinarily available to accept~~
13 ~~nomination papers under this section.~~ On the final date for
14 filing nomination papers the office of the ~~city clerk~~ county
15 commissioner shall remain open until 5:00 p.m.

16 4. The ~~city clerk~~ county commissioner shall review each
17 petition and affidavit of candidacy for completeness following
18 the standards in section 45.5 and shall accept the petition
19 for filing if on its face it appears to have the requisite
20 number of signatures and if it is timely filed. The ~~city~~
21 ~~clerk~~ county commissioner shall note upon each petition and
22 affidavit accepted for filing the date and time that they were
23 filed. The ~~clerk~~ county commissioner shall return any rejected
24 nomination papers to the person on whose behalf the nomination
25 papers were filed.

26 5. Nomination papers filed with the ~~city clerk~~ county
27 commissioner shall be available for public inspection.

28 5A. The city clerk shall deliver ~~all nomination papers~~
29 ~~together with~~ the text of any public measure being submitted by
30 the city council to the electorate to the county commissioner
31 of elections ~~on the day following~~ no later than the last day
32 on which nomination petitions can be filed, and not later than
33 5:00 p.m. on that day.

34 Sec. 30. Section 376.11, subsections 3, 4, and 5, Code 2013,
35 are amended to read as follows:

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1 3. In city primary elections any person who receives
2 write-in votes shall execute an affidavit in substantially the
3 form required by section 45.3, and file it with the county
4 commissioner of elections ~~or the city clerk~~ not later than 5:00
5 p.m. on the day after the canvass of the primary election.
6 If any person who received write-in votes fails to file the
7 affidavit at the time required, the county commissioner shall
8 disregard the write-in votes cast for that person. A notation
9 shall be made on the abstract of votes showing which persons
10 who received write-in votes filed affidavits. The total number
11 of votes cast for each office on the ballot shall be amended by
12 subtracting the write-in votes of those candidates who failed
13 to file the affidavit. It is not necessary for a candidate
14 whose name was printed upon the ballot to file an affidavit.
15 Of the remaining candidates, those who receive the highest
16 number of votes to the extent of twice the number of unfilled
17 positions shall be placed on the ballot for the regular city
18 election as candidates for that office.

19 4. In cities in which the city council has chosen a runoff
20 election in lieu of a primary, if a person who was elected
21 by write-in votes chooses not to accept the office by filing
22 a resignation notice with the ~~city clerk~~ ~~or~~ commissioner of
23 elections not later than 5:00 p.m. on the day following the
24 canvass, all remaining persons who received write-in votes and
25 who wish to be considered candidates for the runoff election
26 shall execute an affidavit in substantially the form required
27 by section 45.3 and file it with the county commissioner ~~or~~
28 ~~the city clerk~~ not later than 5:00 p.m. of the fourth day
29 following the canvass. If a person receiving write-in votes
30 fails to file the affidavit at the time required, the county
31 commissioner of elections shall disregard the write-in votes
32 cast for that person. The abstract of votes shall be amended
33 to show that the person who was declared elected declined the
34 office and a notation shall be made next to the names of those
35 persons who did not file the affidavit. A runoff election

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1 shall be held with the remaining candidates who have the
2 highest number of votes to the extent of twice the number of
3 unfilled positions.

4 5. In a city in which the council has chosen a runoff
5 election, if no person was declared elected for an office, all
6 persons who received write-in votes shall execute an affidavit
7 in substantially the form required by section 45.3 and file it
8 with the county commissioner of elections ~~or the city clerk~~ not
9 later than 5:00 p.m. on the day following the canvass of votes.
10 If any person who received write-in votes fails to file the
11 affidavit, the county commissioner of elections shall disregard
12 the write-in votes cast for that person. The abstract of votes
13 shall be amended to note which of the write-in candidates
14 failed to file the affidavit. A runoff election shall be held
15 with the remaining candidates who have the highest number of
16 votes to the extent of twice the number of unfilled positions.

17 Sec. 31. Section 602.8102, subsection 15, Code 2013, is
18 amended to read as follows:

19 15. Monthly, notify the county commissioner of registration
20 and the state registrar of voters of persons seventeen ~~and~~
21 ~~one-half~~ years of age and older who have been convicted of a
22 felony during the preceding calendar month or persons who at
23 any time during the preceding calendar month have been legally
24 declared to be a person who is incompetent to vote as that term
25 is defined in section 48A.2.

26 Sec. 32. REPEAL. Section 53.14, Code 2013, is repealed.

27 Sec. 33. EFFECTIVE DATE. The following provision or
28 provisions of this Act take effect January 1, 2014:

29 1. The section of this Act amending section 48A.5,
30 subsection 2, paragraph "c".

31 2. The section of this Act amending section 48A.14,
32 subsection 1, paragraph "b".

33 3. The section of this Act amending section 48A.23,
34 subsection 1.

35 4. The section of this Act amending section 48A.26,

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1 subsection 9.

2 5. The section of this Act amending section 48A.31.

3 6. The section of this Act amending section 280.9A,
4 subsection 3.

5 7. The section of this Act amending section 602.8102,
6 subsection 15.

7 EXPLANATION

8 This bill relates to the policy administration of the
9 election and voter registration laws by the secretary of state.

10 The bill requires that the county commissioner of
11 registration accept completed voter registration forms from
12 registrants who are at least 17 years of age. Current law
13 requires the county commissioner of registration to accept such
14 forms from registrants who are at least 17 and one-half years
15 of age. These provisions of the bill take effect January 1,
16 2014.

17 In 2008, Code section 49.21, relating to designation of
18 polling places, eliminated language regarding accessibility to
19 elderly persons and retained language regarding accessibility
20 to persons with disabilities. The bill strikes the same
21 language referring to accessibility to elderly persons at
22 voting centers, to conform with Code section 49.21.

23 The bill requires that any authority supported by taxation
24 under the laws of Iowa make space available for the training
25 of precinct election officials and other election personnel
26 upon the application of the county commissioner of elections.
27 The bill requires that the commissioner only schedule and
28 conduct such training courses at locations that are accessible
29 to and functional for persons with disabilities and that such
30 courses not interfere with previously scheduled events at those
31 locations.

32 The bill provides that the county commissioner of elections
33 shall not mail an absentee ballot to a person who is included
34 within the term "armed forces of the United States" as defined
35 in Code section 53.37 sooner than 50 days before any election.

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1 The bill retains the provision that absentee ballots shall
2 be made available for voting in person at the commissioner's
3 office not more than 40 days before an election.

4 The bill repeals a Code section that requires a voter's
5 party affiliation be designated in the voter affidavit on the
6 unsealed affidavit envelope if the enclosed ballot is a primary
7 election ballot.

8 The bill further provides that satellite absentee voting
9 stations shall not be established sooner than 40 days before
10 an election. The bill requires that a petition for the
11 establishment of a satellite absentee voting station be on a
12 form prescribed by the state commissioner of elections, and
13 as provided in the bill. The bill provides that a county
14 commissioner of elections is only required to accept one
15 valid petition for each precinct in each election. The bill
16 requires at a minimum that the county commissioner honor the
17 first valid petition for a satellite absentee voting station
18 if more than one petition is filed for a station in the same
19 precinct for the same election. The bill requires that
20 the commissioner accept an additional valid petition if the
21 commissioner determines operation of such a voting station
22 to be impracticable at the location described in the earlier
23 filed petition. The commissioner is required to post notice of
24 received petitions on the county's internet site, if any, and
25 at the commissioner's office.

26 The bill provides that any objection to a petition
27 requesting a satellite absentee voting station shall be filed
28 with the county commissioner no later than two days following
29 the petition filing deadline. The county commissioner is
30 required to provide notice to the person circulating the
31 petition upon the filing of such an objection.

32 The bill requires that nomination petitions and affidavits
33 of candidacy of candidates for member of the board of
34 directors of a merged area, objections to such nominations,
35 and withdrawals of such nominations be filed with the county

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1 commissioner of elections responsible for conducting elections
2 for the merged area, rather than with the secretary of the
3 board. The bill also requires the county commissioner,
4 rather than the secretary of the board, to attempt to notify
5 the candidate by telephone if an objection is filed if the
6 candidate provided a telephone number.

7 The bill requires that nomination petitions and affidavits
8 of candidacy for a school district elected office, withdrawals
9 of such nominations, and objections to nominations be filed
10 with the county commissioner of elections responsible for
11 conducting elections for the school district. Current
12 law requires that such nomination papers, withdrawals, and
13 objections be filed with the secretary of the school board.

14 Under current law, the remaining members of a city council
15 may fill a vacancy on the council by appointment or by special
16 election. If by appointment, the appointment must be made
17 within 40 days after the vacancy occurs. The bill requires
18 the city clerk to notify the county commissioner of elections
19 if the council fails to make such an appointment within the
20 required 40 days. Upon receipt of such notice, the county
21 commissioner of elections shall call a special election to fill
22 the vacancy at the earliest practicable date, but no sooner
23 than 32 days after receiving such notice.

24 The bill allows cities with populations of 200 or less to
25 adopt an ordinance providing that city elections be conducted
26 by absentee ballot. The bill requires the county commissioner
27 of elections responsible for conducting elections for such a
28 city to mail an absentee ballot application form by forwardable
29 mail to each active status registered voter within the city
30 no fewer than 25 days before each regular city election or
31 special election for that city. The bill requires that the
32 county commissioner of elections also enclose a postage paid
33 return envelope and a notice that in-person voting will also
34 be available at the county commissioner's office on the day of
35 the election and, if applicable, the location of the additional

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1 polling place. The bill allows the county commissioner to
2 designate one additional election day polling place for such
3 cities.

4 The bill further requires that nomination petitions and
5 affidavits of candidacy for elective city office, withdrawals
6 of such nominations, and objections to nominations be filed
7 with the county commissioner of elections responsible for
8 conducting elections for the city.